

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44824 of 2021

Arising Out of PS. Case No.-14 Year-2018 Thana- ECONOMIC OFFENCES, BIHAR
District- Patna

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AJAY KUMAR TIWARI Son of Sri Krishna Kant Tiwary R/o Flat No. 303,
Block No. 1, Raj Shree Apartment Ashiyana Colony, Siddhgiri Bagh,
Varanasi, Aitha Mahmoorganj, Varanasi, State of Uttar Pradesh - 221010.

... .. Petitioner/s

Versus

The State of Bihar through the S.P., Economic offence Unit Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rama Kant Sharma, Sr. Advocate
Mr. Lakshmi Kant Sharma

For the E.O.U. : Mr. Vishwanath Prasad Sinha, Sr. Advocate
Ms. Soni Srivastava

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CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

2 07-04-2022 Learned Senior Counsel for the petitioner is permitted

to remove defect(s), as pointed out by the office, if any, within a

period of four weeks from today.

Heard learned Senior Counsel for the petitioner and

the learned Senior Counsel appearing for the Economic

Offences Unit.

The petitioner prays for grant of anticipatory bail in

Economic Offence P.S. Case No. 014/2018 registered for the

offence punishable under Sections 406/409/419/420/467/468/

471/ 472/120B/34 of the Indian Penal Code.

The petitioner and other accused persons are alleged

to have conspired together for granting loan to a sum of Rs. 2.67



Crores. Some properties mortgaged were found to be already transferred in the name of other persons and the accused persons and on the basis of forged and fabricated documents had granted loan.

It has been submitted by Mr. Rama Kant Sharma, learned Senior Counsel that the petitioner being the Chief Manager has no role in the entire case and he was not named in the F.I.R., but subsequently, the investigating agency has filed an application making him an accused in the case. He further submits that the borrowers have returned the part of the money to the bank and were granted provisional anticipatory bail by the Court below on the ground that they are ready and willing to deposit the amount.

Heard Shri Vishwanath Pratap Sinha, learned Senior Counsel for the E.O.U. assisted by Smt. Soni Srivastava, Advocate. He submits that all the accused persons conspired together and have taken a huge loan from the bank on the basis of forged and fabricated documents. He also submits that the co-accused in this case, namely, Arun Prakash, who had given legal opinion, has approached this Court for grant of anticipatory bail and his payer for anticipatory bail has been dismissed by this Court. He further submits that the petitioner has criminal



antecedent of similar nature also.

Considered the submissions of the parties.

It is admitted fact that loan has been granted on the basis of forged and fabricated documents and the petitioner being the Chief Manager of the Punjab National Bank is a conspirator and beneficiary in the entire transactions and he cannot escape his liability.

This kind of accused persons who are involved in loot of public money do not deserve the privilege of anticipatory bail.

In view of the above, the prayer of the petitioner for grant of anticipatory bail is rejected.

The present application is, accordingly, dismissed.

(Sandeep Kumar, J)

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