

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48619 of 2021

Arising Out of PS. Case No.-15 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 offences Unit Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 51369 of 2021

Arising Out of PS. Case No.-15 Year-2018 Thana- ECONOMIC OFFENCES, BIHAR
District- Patna

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NAND KISHORE SAH S/o Sri America Sah Resident of New S.B.I. Colony,
Digha, P.S. Digha, District- Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

(In CRIMINAL MISCELLANEOUS No. 48619 of 2021)

For the Petitioner/s : Mr. N.K.Agrawal, Sr. Advocate

Mr.Lakshmi Kant Sharma

For the Opposite Party/s : Mr.V. N. P. Sinha(EOU), Sr. Advocate

Mr. Vijay Anand

Ms. Soni Srivastava

(In CRIMINAL MISCELLANEOUS No. 51369 of 2021)

For the Petitioner/s : Mr. N.K.Agrawal, Sr. Advocate

Mr.Raju Kumar

Mr. P.K.Singh

For the Opposite Party/s : Mr.Asha Kumari

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CORAM: HONOURABLE MR. JUSTICE NAWNEET KUMAR
PANDEY

CAV ORDER

12 20-09-2022

The learned counsels for the petitioners are directed
to remove all the defects pointed out by the Stamp Reporter



within one month.

I have already heard the learned counsel(s) for the petitioners as well as learned counsel for the Economic Offences Unit, Bihar.

The petitioners apprehend their arrest for the offences alleged under Sections 406, 409, 419, 420, 467, 468, 471, 472 and 120B/34 of the Indian Penal Code and Sections 13(2) read with Section 13(i) (a) of the Prevention of Corruption Act registered in connection with Economic Offence P.S.Case No. 15 of 2018.

The informant/complainant of this case is the Chief Manager of Punjab National Bank, Kankarbagh Branch, Patna. He made allegations that accused persons, namely, Sudish Kumar Choudhary, Chanda Kumari and Raj Kumar Pandey, in a deep conspiracy and connivance with each other and some accused persons, have committed criminal breach of trust, misappropriation, cheating, forgery and cheating by impersonation and the accused persons became successful in getting term loan from the Punjab National Bank of Rs. 200.00 lacs in favour of their partnership Firm. Co-accused, Raj Kumar Pandey became guarantor for that loan and he executed agreement of guarantee dated 20.02.2016. Co-accused, Sudish



Kumar Choudhary, Chanda Kumari and Raj Kumar Pandey executed several security documents in favour of the Bank. Sudish Kumar Choudhary executed registered mortgage deed no. 1257 dated 16.02.2016 and on 20.02.2016 after necessary documentation, the loan was sanctioned by the Bank. It has also been alleged that later on, the account become irregular since the interests and installments were not deposited and consequently the account became non- performing asset. All of a sudden, the loanee Sudish Kumar Choudhary appeared before the Bank and stated that he has never visited the Bank and had not taken any loan from that Bank. He has also stated that he never created any registered mortgage deed in favour of the Bank.

The learned counsel(s) for the petitioners have submitted that the petitioner Ajay Kumar Tiwari was the Chief Manager of that Branch of Punjab National Bank at the relevant point of time and the petitioner Nand Kishore Sah was the Loan Officer of that Bank. They have falsely been implicated in this case. There is no defalcation of that loan and the installments are regularly being paid. They have submitted next that approximately two crores of rupees have been deposited by the guarantor Raj Kumar Pandey and Raj Kumar Pandey is not only



guarantor but also the loanee. They have submitted further that the petitioners are not named in the FIR and they have been arrayed as accused during the course of investigation. They have also submitted that co-accused Raj Kumar Pandey was granted anticipatory bail by the learned court below itself on his assurance that he would deposit the entire amount of loan in twelve equal monthly installments. They have also submitted that co-accused Arun Prakash and Abhay Kumar Dutta Verma have also been granted anticipatory bail. Abhay Kumar Dutta Verma was evaluator of the Bank and he has done the evaluation of the property.

A report was called for from the above-mentioned Branch of Punjab National Bank which has been submitted and annexed as 'flag-R', which shows that till date Rs. 98.75 Lakh (Rupees Ninety Eight Lakh Seventy Five Thousand) has been deposited in the Loan Account No. 149900IB00007261.

Learned counsel appearing on behalf of the Economic Offences Unit has submitted that the petitioners are the real culprits and due to their misdeeds the Bank has suffered a huge loss. He has submitted further that at the relevant point of time when the loan was sanctioned, the petitioner Nand Kishore Sah was the Loan Officer and the petitioner Ajay



Kumar Tiwari was the Chief Manager. The confidential report for grant of loan to borrowers Sudish Kumar Pandey, Chanda Kumari and guarantor Raj Kumar Pandey, was prepared by both these petitioners. The petitioner Nand Kishore Sah conducted personal verification of borrowers on 20.02.2016. He has also submitted that co-accused Raj Kumar Pandey was granted anticipatory bail on his assurance that he would pay the entire dues in twelve monthly installments, but he did not stand to his words and he filed a petition for extension of time which was rejected by the court below.

The petitioners at the relevant point of time were Chief Manager and Loan Officer of the Branch of Punjab National Bank and on their verification and confidential report, some fake persons became successful in obtaining the loan, whereafter the loan account of the accused persons became non-performing asset. Due to the act of the petitioners, the Punjab National Bank sustained huge loss. The petitioner Ajay Kumar Tiwari has also a criminal antecedent of similar nature of case.

In my view, they are not entitled for anticipatory bail. Their prayer for anticipatory bail is hereby rejected.

The petitioners are directed to surrender before the court below and make a prayer for regular bail.



Office shall ensure that all defects are removed by the petitioners within the stipulated time as provided hereinabove, failing which the matter shall be brought to the notice of this Court.

(Nawneet Kumar Pandey, J)

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