

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.1667 of 2021

Arising Out of PS. Case No.-744 Year-2019 Thana- BANKA District- Banka

1. RAJIV MODI, SON OF SHRI SHALIGRAM MODI Resident Of - Onkar Tower Flat No. 18, 36 A, Garcha 1st Lane, P. S.- Gariahat, Opposite Park Plaza, Hotel Ballygunge, Kolkata - 700019 (WB).
2. Sujit Kumar, Son Of Braj Kishore Prasad Florecent Villa, Profesar Colony, Block B B 3, Dr.H.D. Tripathi ,Gali,Karamtoli, G. P.O, P. S. - Lalpur ,District - Ranchi-834001 (Jharkhand)
3. Mukesh Rauth, Son Of Sudarshan Routh Resident Of Raghunathpur CT, Neyasarai, P. S. - Mogra, Hogly, West Bengal - 712513.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Gautam Kumar Kejriwal

For the Opposite Party/s : Mr. Umesh Lal Verma

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

4 12-01-2022 Heard Mr. Gautam Kumar Kejriwal, learned Advocate for the petitioners and Mr. Umesh Lal Verma, learned APP for the State.

The petitioners seek bail in anticipation of their arrest in connection with Banka P. S. Case No. 744 of 2019, instituted for the offences under Sections 467, 468, 406, 420 and 120B of the Indian Penal Code.

They are the Directors and employees respectively of the Allied Infrastructures and Projects



Private Limited, who were nominated as sub-contractors with M/s BPL-KPL (JV) Siliguri, West Bengal, which had been awarded the work under the Tender. The prosecution relates to deposit of fake/forged bank guarantees for obtaining the work contract. The criminal prosecution was initiated by the Chief Manager of UCO Bank who had found the two Bank guarantees furnished by M/s BPL-KPL (JV) Siliguri for participating in the tender and obtaining the work contract. Those bank-guarantees were sent to the UCO Bank for verification regarding its authenticity.

A tender process had been initiated by Road Construction Department in the State of Jharkhand and as noted above, the same was concluded finally with M/s BPL-KPL (JV) Siliguri. The company of which the petitioners are the Director and employees respectively entered in the fray only when they were selected/nominated as sub contractors to the extent of 40% of the work. For becoming sub-contractors in the



aforesaid tender, the company of the petitioners was never required to furnish any Bank guarantee. The petitioners, therefore, it has been submitted, cannot be saddled with any responsibility of furnishing forged/fabricated bank guarantees which was deposited by the original awardee of the work. However, for proving their bona fides, the learned counsel for the petitioners has submitted that maximum work under the mandate has been completed and taking into account all such factors, the Directors of M/s BPL-KPL (JV) Siliguri have been enlarged on the anticipatory bail by different Benches of this Court.

Considering the afore-noted submissions on behalf of the petitioners, they, in the event of their arrest or surrender before the court below within a period of six weeks, are directed to be released on bail on their furnishing bail bonds in the sum of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Chief



Judicial Magistrate, Banka in connection with Banka P. S.
Case No. 744 of 2019, subject to the conditions laid
down under Section 438(2) of the Cr.P.C.

This petition stands allowed.

(Ashutosh Kumar, J)

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