IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.56962 of 2021

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

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SRI ABHAY KUMAR DUTT VERMA, Son of Late Anirudh Kumar Verma, Resident of B - 101, Housing Colony, Near Panch Shiv Mandir, Kankarbagh, Lohiya Nagar, Patna – 800020.

... ... Petitioner

Versus

1. The State of Bihar
2. The Superintendent of Police, Economic Offences Wing, Patna. Bihar

... ... Opposite Party

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Appearance :

For the Petitioner	:	Mr. P. N. Shahi, Senior Advocate Mr. Siddhartha Prasad, Advocate Mr. Utpal Kant, Advocate Mr. Kaustubh, Advocate Mr. Sunit Kumar, Advocate
For the State	:	Mr. Nirmal Kumar Sinha, APP
For the E.O.U.	:	Mr. Vishwanath Pd. Sinha, Senior Advocate Ms. Soni Shrivastava, Advocate

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CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR

ORAL ORDER

4 26-04-2022 Heard Sri P. N. Shahi, learned senior counsel assisted by Sri Siddhartha Prasad, learned counsel for the petitioner and Sri Vishwanath Prasad Sinha, learned senior counsel assisted by Smt. Soni Shrivastava, learned counsel for the Economic Offences Unit.

Learned 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.

This application for anticipatory bail arises out of

Economic Offences P.S. Case No. 14 of 2018 for the offence punishable under Sections 406, 409, 419, 420, 467, 468, 471, 472/34 & 120-B of the Indian Penal Code, under Section 13(2) and 13(1)(A) of the Prevention of Corruption Act.

As per the prosecution case, the accused persons have taken a huge amount of loan i.e. more than two crores from a Public Sector Bank namely, Punjab National Bank on the basis of forged and fabricated documents. The petitioner, who happens to be Valuer on the panel of the Punjab Natinal Bank, has done the valuation at the time of disbursal of the loan. It has been alleged by the prosecution that he has also conspired in the disbursal of the loan on the basis of forged documents.

Sri P.N. Shahi, learned senior counsel for the petitioner has submitted that the petitioner is a Valuer and he has no role in the disbursal of the loan on the basis of fake papers. His role is limited to visiting the land which was mortgaged and the same was identified by the Branch Manager and thereafter, the petitioner has done the valuation as per the guidelines of valuation.

Sri Shahi, learned senior counsel for the petitioner has drawn the attention of this Court to page no.137 of this bail application (Annexure-2), wherein it has been mentioned in the report by the Government Valuer that "*Our scope of work is limited to valuation of property only. It is declared that we are not responsible for authenticity of legal documents and agreement for sale and quality genuineness of advance to be made by bank and credential of borrowers and guarantors or other party*."

Sri Shahi, learned senior counsel for the petitioner has also submitted that in an application under the Right to Information Act, the Bank admitted that Title Deeds submitted for disbursal of the loan are to be examined by the Advocate and the Valuer is not required to examine the genuineness of the Title Deed. He has further submitted that the petitioner is a reputed Valuer and in his career of around 25-30 years, there is no allegation against him and he has been made accused in another case pursuant to the same transaction.

Sri Vishwanath Prasad Sinha, learned senior counsel for the Economic Offences Unit has submitted that the petitioner being a Valuer is also involved in the conspiracy of disbursal of loan amount on the basis of forged and fabricated documents.

Considered the submissions of the parties.

From the report of the Government Valuer and the information provided under the Right to Information Act, it is an admitted fact that the petitioner is not required to examine the genuineness of the documents and he has to only give the valuation report as per the guidelines. He was also not required to find the location of the plot as he was shown the plot, in question, by the Branch Manager and he could not have doubted the Branch Manager.

Considering the aforesaid facts, I am inclined to grant anticipatory bail to the petitioner.

Accordingly, let the petitioner, above named, in the event of his arrest/surrender within four weeks from today in the Court below, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned S.D.J.M., Patna in connection with Economic Offences P.S. Case No. 14 of 2018, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Sandeep Kumar, J)

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