

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58452 of 2022

Arising Out of PS. Case No.-2 Year-2017 Thana- C.B.I CASE District- Patna

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KRISHNA BIHARI PRASAD SINHA S/O LATE NAGESHWAR PRASAD
Resident of Plot No. 11 Bisheswaraya Nagar, Bailey Road, P.S.- Rupaspur,
District- Patna.

... .. Petitioner/s

Versus

1. CENTRAL BUREAU OF INVESTIGATION THROUGH THE SUPT. OF POLICE, ECONOMIC OFFENCE WING, C.B.I, RANCHI BIHAR
2. PUNJAB NATIONAL BANK, THROUGH A.G MANAGER, NEW MARKET BRANCH, MAHARAJA COMPLEX, FRASER ROAD, PATNA BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Sanjeev Ranjan, Advocate
For the Opposite Party/s	:	Ms. Nivedita Nirvikar, Sr. Adv.(S.C.CBI)
For the PNB	:	Mr. Mritunjay Kumar, Advocate
		Mr. Vibhuti Kumar, Advocate
		Ms. Shilpi Singh, Advocate

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA

ORAL ORDER

3 07-12-2022 Heard learned counsel for the parties concerned.

Petitioner apprehends arrest in connection with Special Case No. 01 of 2018 arising out of RC 02(S) of 2017 registered for the offences punishable under Sections 419, 420, 467, 468, 471 read with Section 120 of the Indian Penal Code.

The petitioner has filed this second anticipatory bail application after dismissal of the 1st anticipatory bail application by this Court vide order dated 25.6.2019.

Mr. Sanjeev Ranjan, learned counsel for the petitioner submits that the second anticipatory bail



application has been filed in the changed circumstances. As per the First Information Report, the petitioner was one of the Directors of Priyadarshi Commercial Pvt. Ltd. which had applied for bank loan of Rs.4 Crore. Collateral in the form of land document, security was submitted by the Company which was found to be forged and fabricated.

Learned counsel further submits that the security was submitted by another Director Mr. Nikhil Priyadarshi who happens to be the son of the petitioner. He was the identifier of the person who executed the mortgage deed for securing loan. The person who executed the mortgage deed is alleged to be a fake person.

Learned counsel next submits that OTS scheme of the Punjab National Bank was floated and in pursuance thereof, the petitioner applied under OTS scheme of the concerned Bank. After referring the matter to CBI, the Bank has accepted the OTS and directed the petitioner to deposit a sum of Rs. 2 Crore 45 lacs as a final payment towards the full and final settlement of loan taken by the petitioner's Company.

Learned counsel for the Bank submits that above



mentioned amount of Rs.2,45,00,000/- has already been paid by the petitioner to the Punjab National Bank within three months and 'No Dues Certificate' dated 25.11.2022, has been issued by the Bank which is annexed by way of supplementary affidavit filed by the petitioner.

Learned Senior counsel for the CBI submits that even if the entire loan amount has been deposited by the petitioner, the petitioner is not absolved from his criminal liability.

Having heard learned counsel for the parties and taking into consideration the fact that the petitioner has already deposited the amount arrived by the Bank under OTS within time and the Bank has granted 'No Dues Certificate' and has also closed the loan account standing in the name of the petitioner, I am inclined to grant anticipatory bail to the petitioner.

Accordingly, in the event of arrest or surrender before the learned Special Judge, CBI, within three weeks' from today, petitioner, above named, shall be released on anticipatory bail on furnishing bail bonds of Rs.50,000/- (Fifty thousand) with two sureties of the like amount each to the



satisfaction of learned Special Judge, CBI-I, Patna, in connection with Special Case No. 01 of 2018 arising out of RC 02(S) of 2017 subject to the condition as laid down under Section 438(2) of the Code of Criminal Procedure with further condition that the petitioner will be well represented on each date in the trial and if he fails to do so on two consecutive dates, his bail bonds will be liable to be cancelled.

S.Ali/-

(Anil Kumar Sinha, J)

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