

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.68314 of 2021**

Arising Out of PS. Case No.-85 Year-2021 Thana- PIRBAHOR District- Patna

GAUTAM KUMAR VERMA @ AJEET KUMAR VERMA Son of Vakil Prasad Verma Resident of Mohalla - Vijay Nagar (East Hanuman Nagar, Pani Tanki), P.S.- Patrakar Nagar, District - Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr.Sanju Singh, Advocate  
For the Opposite Party/s : Mr.Rajendra Nath Jha, APP

**CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA**  
**ORAL ORDER**

4      12-05-2022                      Heard learned counsel for the petitioner and learned A.P.P. for the State.

The petitioner seeks bail in a case registered for the offences punishable under Sections 406, 420 and 120B of the Indian Penal Code.

Learned counsel for the petitioner submits that the petitioner is in custody since 29.08.2021, is a person with clean antecedent and charge-sheet has been submitted in the case.

Learned counsel for the petitioner submits that the informant (Vinod Kumar Verma) alleges that he is a jewelry maker and Gautam (petitioner) along with Shailesh Kumar Chandravanshi and Vicky Kumar came to his house and asked him to take loan for constructing his house, thereafter the



accused persons took the informant to the L.I.C. Office at Exhibition Road for having a talk with the Manager, thereafter it is alleged that the manager demanded paper of land and also obtained signatures on some papers and the bank account of the informant was opened in the same bank where account of Gautam Kumar was opened from earlier. It is next alleged that after sometime when the informant went to meet the manager to inquire about the loan, he was informed that the loan has been sanctioned much earlier on which the informant was perplexed and asked where is his loan amount on which the manager asked him to talk to Gautam Kumar (petitioner) and when the informant contacted him, he was abused and threatened and thus it is alleged that informant became sanguine that the loan amount of Rs. 17 lakhs has been siphoned off by the accused persons, including the petitioner.

Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the present case and the same would be evident from Annexure 3 to the supplementary affidavit where the bank transaction of the informant has been annexed and draws the attention of the Court to Annexure '3' to submit that the first loan amount was sanctioned on 28.12.2018 of Rs. 5,47,500/- and thereafter again an amount of Rs.



5,47,500/- was sanctioned on 02.02.2019 and the leftover amount i.e., Rs. 6,38,750/- was sanctioned on 28.02.2019. The learned counsel submits that from perusal of the bank statement it would manifest that the informant in between 28.12.2018 to 28.02.2019 had been doing transaction with the bank by withdrawing money either from ATM or through cheque, it is thus submitted that it absolutely does not stand to reason that if the money was siphoned off by the petitioner and the accused persons, then how come the informant never came to know about it when he himself was operating the bank account. Learned counsel submits that after 28.12.2018, the petitioner operated his account on 31.12.2018, 01.01.2019, 05.01.2019, 10.01.2019, 14.01.2019 and so on and as such it is difficult to believe that the informant was not knowing that the loan amount after being credited in his account has been siphoned off.

Learned A.P.P. for the State opposes the prayer for bail of the petitioner.

Considering the fact that the petitioner is in custody since 29.08.2021, is a person with clean antecedent, charge-sheet has been submitted in the case and taking into consideration the Annexure '3' to the supplementary affidavit, the petitioner above named is directed to be released on bail on



furnishing bail bond of Rs. 20,000/- (Rupees Twenty Thousand) with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/successor court in connection with Pirbahore P.S. Case No. 85 of 2021 with a condition that one of the bailors of the petitioner shall be his father, Vakil Prasad Verma.

Learned counsel for the petitioner submits that inadvertently in the bail application certain mistakes were committed at paragraph '1' and prayer portion of the bail application but the same has been rectified by filing a supplementary affidavit.

**(Satyavrat Verma, J)**

Rishi/-

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