

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70518 of 2021

Arising Out of PS. Case No.-9 Year-2015 Thana- C.B.I CASE District- Patna

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Dharmendra Kumar Albela Son of Late Dev Nandan Yadav Resident of
Village - Dihuri, P.O.- Korap, P.S.- Konch, District - Gaya.

... .. Petitioner

Versus

The Central Bureau of Investigation through Additional Superintendent of
Police, CBI/ACB, Patna, Bihar.

... .. Opposite Party

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Appearance :

For the Petitioner/s : Mr. Rajesh Kumar Singh, Sr. Advocate

Mr. Jitendra Prasad Singh, Advocate

For the Opposite Party/s : Mr. Avanish Kr. Singh, SPP, CBI

Mr. Ambar Narayan, Advocate

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CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA

ORAL ORDER

7 06-12-2022 Heard learned counsel for the petitioner and learned
APP for the State.

Let the defect (s), if any, as pointed out by the office,
be removed within a period of four weeks.

In the present case, the petitioner seeks bail in
connection with RC9(A) of 2015 registered for the alleged
offences under Sections 120(B), 420 and 193 of the Indian Penal
Code read with Sections 13(2), 13(i)(d) of Prevention of
Corruption Act.

As per prosecution case, the petitioner along with
other co-accused persons entered into a criminal conspiracy and
got sanctioned the loan of Rs. 4,00,000/- (four lac) for the



purchase of a tractor. It is alleged that though the agency selling the tractor received the amount, the tractor was not delivered to the petitioner. The allegation against the petitioner is that he claimed to have deposited Rs. 1,66,000/- to the agency for getting the tractor loan sanctioned but the said amount was never deposited though a receipt was produced before the bank for getting the loan for Rs. 4,00,000/- sanctioned. Further allegation against the petitioner is that he deposited title deeds of certain land for total area of 7.51 acre out of which 99.50 decimal land was already sold by the petitioner.

The learned senior counsel appearing on behalf of the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. The petitioner applied for loan from State Bank of India Tekari Branch on the basis of quotation of the co-accused dealer and after sanction of the loan he deposited the money with Mrs. Vinita Sharma but the tractor was not supplied and assurance was given that the money will be returned to the bank. Later on, when the petitioner made complaint, another tractor was given to the petitioner but not the one for which loan was sanctioned. Learned senior counsel further submits that the petitioner deposited deeds of his land though some of the land was already sold but being joint



property *khatiyar* of the land was same. The total area of the land was 7.51 acre whereas 6.51 acre land is still under mortgage. Learned senior counsel further submits that for release of the tractor, the petitioner filed C.W.J.C. No. 6184 of 2014 and in that case, this Court directed the C.B.I. to institute and conduct preliminary inquiry in the whole episode for grant of agricultural loans. Pursuant to the direction, a case was instituted by the C.B.I. but no case was found under the Prevention of Corruption Act and only case under Section 406, 420, 468, 471 and 120(B) of the Indian Penal Code has been found. Learned senior counsel also submits that, however, amount of Rs. 4,00,000/- has already been deposited in the bank which was the sanctioned amount of loan. On the basis of said fact, co-accused Vinita Sharma has been granted anticipatory bail by a Co-ordinate Bench of this Court vide order dated 29.11.2017 passed in Criminal Misc. No. 27429 of 2017. The petitioner is in custody since 05.08.2021 and charge-sheet has been submitted in this case.

Learned counsel appearing on behalf of C.B.I. opposes the prayer for bail though he concedes that the bank has received the loan amount.

Having regard to the facts and circumstances and



submissions made on behalf of the parties and considering the fact that there appears lack of substantive material against this petitioner for the offences as alleged and further considering the submission of charge-sheet and the period of the custody of the petitioner, he is directed to be released on bail on furnishing bail bond of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge, C.B.I.-cum-Additional District and Sessions Judge-1st, Patna, in connection with RC9(A) of 2015, subject to the conditions mentioned in Section 437(3) of the Cr.P.C. and the following conditions:

- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present on each and every date fixed by the court below.
- (iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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