

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.7381 of 2023

Arising Out of PS. Case No.-9 Year-2018 Thana- C.B.I CASE - TR District- Patna

=====

KUMAR VIBHOR @ VIBHOR Son of Late Shri Ravi Shankar Mehra R/o Mahavidya Sadan, Lane No. 4, Vishnupuri, Chitkohra Police Station Gardanibag and District Patna present R/o Maa Devi Guest House, New Market , Near Patna Junction, P.S- Kotwali and Dist- Patna

... .. Petitioner/s

Versus

Union of India through CBI Govt. of India

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Avinash Chandra, Adv.

For the Opposite Party/s : Mrs. Nivedita Nirvikar, Sr. Adv

=====

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 22-06-2023 Heard learned counsel for the petitioner and learned senior counsel for the C.B.I.

The petitioner is apprehending his arrest in a case registered for the offence punishable under Sections 120B, 420, 467, 468 and 471 of the Indian Penal Code pending in the learned court below.

As per the prosecution case, loans were sanctioned on the names of the fictitious firms against property of Mrs. Maushami Vishvash and under the proprietorship of Mr. Nirbhay Puri and guarantee of Mrs. Maushhami Vishvas without their knowledge in the connivance of petitioner and other middle men.

Learned counsel for the petitioner submits that the



petitioner is innocent and has been falsely implicated in this case. He further submits that the petitioner is only a staff of the chartered account Mr. Vijay Kumar Yadav. He submits that there is no specific overt act against the petitioner. He further submits that during the investigation the petitioner has given his full cooperation to the investigating authority during the investigation. He further submits that after investigation C.B.I. has filed a charge-sheet but the C.B.I. is not required to custodian interrogation against the petitioner. He relies upon the judgment of the Hon'ble Apex Court passed in the case of ***'Mahdoo Bava versus Central Bureau of Investigation'*** reported in 2023 SCC OnLine SC 299 and in the case of ***'Satender Kumar Antil versus Central Bureau of Investigation and another'*** reported in (2022) 10 SCC 51. He further submits that total 43 persons were sanctioned loan and out of them only 9 has not paid the loan amount. He submits that petitioner has got three criminal antecedents in similar nature as stated in para-3 of the bail application.

Learned counsel for the C.B.I. opposes for prayer for bail and submits that the petitioner is the main accused in the present case. In para-12 of the counter affidavit he stated that the petitioner has prepared forged document on that basis the



loan was granted to the persons. He fairly submits that during the inquiry, the petitioner was not arrested in this case.

Considering the ratio laid down in Mahdoom Bava (supra) case and Satender Kumar Antil (supra) case and the fact that charge-sheet is submitted and petitioner has cooperated in the investigation and the CBI has not arrested the petitioner during the entire investigation, let the petitioner, named above, in the event of his arrest/surrender before the learned court below within a period of six weeks from today, be released on anticipatory bail, on furnishing bail bond of Rs.25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount to the satisfaction of the learned Court below, where the case is pending/Successor court, in connection with FIR vide CBI/EOW/Ranchi RC0932018S0009 dated 16.11.2018 subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

(Anjani Kumar Sharan, J)

ajay/-

U		T	
---	--	---	--

