

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.7415 of 2023

Arising Out of PS. Case No.-2 Year-2019 Thana- C.B.I CASE - TR District- Patna

=====

KUMAR VIBHOR @ VIBHOR S/o Late Ravi Shankar Mehra R/o Mahavidya Sadan, Lane no. 4, Vishnupuri, Chitkohra Police Station, Gardanibag and Distt- Patna. Present resident of Maa Devi Guest House, New Market, Near Patna Junction, P.S.- Kotwali, Distt- Patna.

... .. Petitioner/s

Versus

Union of India through CBI Bihar

... .. Opposite Party/s

=====

Appearance :

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

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

: Mr. Lalan Kumar, Adv.

=====

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 22-06-2023 Learned senior counsel for the C.B.I. has filed a counter affidavit in the present case.

Let it be kept on the record.

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, 23 loans aggregating Rs.444.000/- Lakh sanctioned to various parties; fake and bogus financial statements were prepared and certified by Mr. Vijay Kumar C.A. It is further alleged that some unknown persons and the middleman viz. Mr. Vibhor (petitioner and others person connived and dishonestly cheated an amount of Rs.444.000/-



lakhs to the Bank on the basis of fake and bogus financial statements submitted on the names of the non-existing firms.

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 23 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 Mahdoo 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 0932019S0002 dated 11.01.2019 subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

(Anjani Kumar Sharan, J)

ajay/-

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

