IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36563 of 2022
Arising Out of PS. Case No.-9 Year-2018 Thana- C.B.I CASE District- Patna

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AMRENDRA KUMAR S/O LATE ANIL KUMAR VERMA Resident of Village - Babui Tola, P.O and P.S.- Bagha, District- West Champaran.

... ... Petitioner/s

Versus

The Central Bureau of Investigation

... ... Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Yogesh Kumar, Advocate
		Mr. Kundan Kumar, Advocate
For the Opposite Party/s	:	Mrs. Nivedita Nirvikar, Sr. Advocate
For the Bank	:	Mr. Kumar Alok, Advocate

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA

ORAL ORDER

7 27-07-2023 1. Heard learned counsel for the petitioner, learned Senior Counsel for the C.B.I. and learned counsel for the Bank.

2. The petitioner apprehends his arrest in a case registered for the offences punishable under Sections 120(B), 420, 467, 468 and 471 of the Indian Penal Code.

3. Learned counsel for the petitioner submits that petitioner has antecedent of one case and is a Scale-II Officer of the Union Bank presently and the informant alleges that while the petitioner was posted as the Branch Manager, Corporation Bank, Raja Bazar Branch, Patna in connivance with the named accused persons has disbursed loan to the tune of Rs.788.50 lakhs during the period 2015-18. Further, alleges that 43 loans were sanctioned on the basis of forged and fabricated documents. It is next alleged that Rs.536.25 lakhs is outstanding against 43 loan accounts. It is also alleged that units of 42 borrowers out of the 43 borrowers

were found non-existent but still an amount of Rs.766.50 lakhs were disbursed in their favour.

4. Learned counsel for the petitioner submits that from bare perusal of the allegation as alleged in the FIR, it would manifest that there is allegation of disbursing loan based on forged and fabricated documents to non-existing entities.

5. Learned counsel for the petitioner submits that prima facie the allegation stands falsified for the reason that out of the 43 loans, 27 loan accounts have been settled and for the rest of the accounts, steps under the Securitization Act has already been initiated. It is further submitted that petitioner is a Scale-II Officer of the Bank and it was within his power to disburse loan. It is next submitted that though the allegation is of disbursing loan based on the forged and fabricated documents to non-existing entities but then how 27 accounts have been settled. Further, on what basis the bank is proceeding against rest of the borrowers under Section 13(2) of the Securitization Act.

6. Learned counsel for the petitioner further submits that the petitioner during the course of investigation had fully cooperated with the C.B.I. and the C.B.I. never felt the need of arresting the petitioner for eliciting any further information. Learned counsel next submits that appointment of the petitioner was with the Corporation Bank which subsequently merged with

the Union Bank but the loans were disbursed when the petitioner was posted with the Corporation Bank and thereafter the Bank also proceeded departmentally against the petitioner and inflicted him with a punishment of reducing his pay-scale. Learned counsel thus submits that even the bank did not find it to be a case whether extreme punishment of dismissal was warranted.

7. Learned counsel further submits that since charge-sheet has been submitted, investigation is over the petitioner will cooperate in the trial and will not abscond. It is next submitted that the C.B.I. instead of opposing the anticipatory bail application of the petitioner should make endeavour to expedite the trial and to get it concluded expeditiously. It is also submitted that no justifiable purpose would be served by sending the petitioner to jail when investigation is over, charge-sheet submitted and nothing more is to be elicited from the petitioner by the investigating officer.

8. Learned Senior Counsel for the C.B.I. opposes the anticipatory bail application of the petitioner but is not in a position to rebut the submission of the learned counsel for the petitioner that the C.B.I. during the investigation never felt the need of arresting the petitioner and he cooperated in the investigation and charge-sheet has been submitted.

9. Learned counsel for the Bank also does not dispute

the submissions of the learned counsel for the petitioner that 27 loan accounts have been settled and against the rest the Bank has proceeded under the Securitization Act and the petitioner has been inflicted punishment by reducing his pay-scale.

10. Considering the submissions made by the learned counsel for the petitioner, the petitioner above-named, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs.10,000/- (Rupees Ten 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 Ranchi CBI/EOW/Ranchi 2018 RC 09(S) of 2018, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

(Satyavrat Verma, J)

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