IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.50800 of 2021

Arising Out of PS. Case No.-14 Year-2018 Thana- ECONOMIC OFFENCES, BIHAR District- Patna

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RABINDRA PRASAD Son of Late Dwarika Prasad Resident of Flat No.- 202 Kailashpuri, Hanuman Nagar, District - Patna at present Ashok Nagar Road No.- 8, Radha Kaushal Apartment, Kankarbagh, Patna - 20

... ... Petitioner/s

Versus

The State of Bihar, Through Economic Offence Wing, Patna Bihar

... ... Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. A.K. Thakur, Adv Mrs. Vaishnavi Singh, Adv
For the EOU	:	Mr. Vishwanath Pd. Sinha, Sr. Adv Mr. V. Anand, Adv

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CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN

ORAL ORDER

5 13-02-2023 Heard the parties.

The petitioner apprehends his arrest in connection with Economic Offence P.S. Case no.14 of 2018 registered for the offence punishable under sections 406, 409, 419, 420, 467, 468, 471, 472/34, 120(B) of the Indian Penal Code.

As per the prosecution case, the allegation against the petitioner is that he in capacity of officer-cum-loan Manager of Punjab National Bank recommended the loan amount to the borrower.

It is submitted by learned counsel for the petitioner that petitioner is quite innocent and have committed no offence. He has been falsely implicated in this case. No such occurrence, in the manner as alleged, has ever taken place. The petitioner is not named in the FIR but during investigation the petitioner has also been made accused in the present case. The petitioner has no role in sanctioning of huge amount of loan on the basis of forged and fabricated documents. The Chief Bank Manager himself has executed the registered mortgage in between the Bank and loanee and guarantor an he as well as some other official of the Bank has visited the plot but petitioner has neither executed the registered mortgage deed in between the Bank and the loanee and its guarantor. He further submits that the petitioner at the relevant time was posted as Officer Scale-1 dealing in the loan section of the Bank in question and after the documents were furnished or application are being filled after processing it came to the petitioner and he recommended the same to the Chief Branch Manager for its approval. The Chief Manager is the sanctioning and disbursing authority who used to sanction the loan and also used to disburse the same. He further submits that the borrowers have already paid more money than the principle loan amount and his valuable property is on security with the Bank. Petitioner has no criminal antecedent.

Learned senior counsel for the EOU opposed the prayer for anticipatory bail and submits that there is specific role of the petitioner to verify the documents, which is also apparent from Annexure-B of the counter affidavit. It is submitted that from the perusal of case diary it transpires that the petitioner has recommended the loan and the then Chief Manager has sanctioned the loan. It also transpires that the sanctioned loan was given to concerned party which bears the signature of the petitioner as well. The petitioner has also put his signature on the confidential report of the concerned party prepared by the Bank. The petitioner himself stated that verification of the land and owner cum guarantor mentioned in deed No.1355 dated 16.07.2009 was done by the petitioner and the Chief Manager. He further submits that the persons who are the real owner of the property appeared before the Bank and stated that they have never presented before the Bank and never filed any property in guarantee. He further submits that the anticipatory bail of the Chief Manager and one of the co-accused namely, Arun Prakash who is the lawyer and has given legal opinion which resulted in prosecution has also been rejected by a co-ordinate Bench of this Court.

Considering the facts and circumstances of the case as well as nature of offence, I am not inclined to enlarge the petitioner on bail. The prayer for grant of anticipatory bail on his behalf is hereby rejected.

Accordingly, this application is dismissed.

(Anjani Kumar Sharan, J)

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