

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.46945 of 2023

Arising Out of PS. Case No.-109 Year-2022 Thana- EKANGARSARAI District- Nalanda

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Suman Saourav Son Of Shri Shailendra Kumar Resident Of Village-
Chhachhu Bigha, P.O.- Katauna, P.S. Katrisaray, District- Nalanda, Pin-
805130

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ashok Kumar, Advocate

For the Opposite Party/s : Ms. Sharda Kumari, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

9 18-12-2023 Learned counsel for the petitioner is permitted to

remove the defect(s), as pointed out by the office, if any,

within a period of three weeks from today.

2. Heard learned counsel for the petitioner and
learned Additional Public Prosecutor for the State.

3. The petitioner is apprehending his arrest in
connection with Ekangar Sarai P.S Case No. 109 of 2022
dated 03.05.2022 registered for the offence punishable u/ss
417, 420, 468 read with 34 of the Indian Penal Code.

4. As per the prosecution case, the petitioner and
the co-accused persons in connivance with the Branch
Manager of the Ashirvad Micro Finance Limited,



Ekangarsarai Branch, Nalanda had taken loan from the said Finance Company by pledging gold ornaments. The informant has further alleged that after audit and purity test of the pledged ornaments done by the Finance Company, it revealed that the ornaments pledged for loan are not made of pure gold but are fake ornaments made by mixing iron with gold.

5. Learned counsel for the petitioner has submitted that the petitioner has falsely been implicated in this case by the said Finance Company to give cover to its own corrupt and unscrupulous practices and to save the skin of its own corrupt employee. It is further submitted that at the time of valuation of gold ornaments, the verification of purity of gold in the ornaments was performed by the said Finance Company appointed under valuer in the presence of the petitioner, thereafter the valuer gave valuation report/certificate, based on RBI norms, comprising the description and quantity of gold, its purity in Karat (bank norms is 18K to 24K), weight of ornaments, current market value and high definition picture of gold items with weight. After the valuation of gold ornaments and on the



recommendation of the valuation certificate the said Finance Company sanctioned the loan amount of Rs. 2,36,000/- (Rupees Two Lakh Thirty Six Thousand) to the petitioner. Learned counsel has further submitted that the Finance Company never provided any documents like pawn ticket, photo-copy of the valuation report of gold ornaments or statement of loan account to the petitioner even after the repeated demands made by the petitioner. The then Branch Manager Anjan Kumar used to evade the petitioner and to make excuses all the time avoiding in providing these documents to the petitioner. Consequently, the petitioner has no documents available with him relating to loan sanctioned by the Finance Company. Learned counsel has further submitted that the petitioner is willing and ready to repay and settle the loan amount as sanctioned by the Finance Company and according to the loan agreement, the gold ornaments pledged will be released/handed back to the petitioner. The petitioner has no criminal antecedent as stated in para 3 of the bail petition.

6. Learned A.P.P. for the State has vehemently opposed the prayer for anticipatory bail of the petitioner.



7. Considering the aforesaid facts and circumstances of the case, let the above named petitioner, in the event of his arrest/surrender within a period of six weeks from today, be enlarged on anticipatory bail on furnishing bail-bond of Rs. 20,000/- (Rupees twenty thousand) with two sureties of the like amount each to the satisfaction of the learned court concerned, Hilsa, Nalanda in connection with Ekangar Sarai P.S Case No. 109 of 2022, subject to conditions as laid down under section 438(2) of the Code of Criminal Procedure.

8. The application stands allowed.

(Chandra Prakash Singh, J)

Nilmani/-

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