IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.59513 of 2023

Arising Out of PS. Case No.-21 Year-2017 Thana- AIRPORT District- Patna

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SATYA PRAKASH @ MANOJ KUMAR S/o Nand Kishore @ Ajay Singh Resident of Road No.-09, Keshri Nagar, Nalapar, Baba Chauk, P.S.-Patliputra, District-Patna.

... ... Petitioner/s

Versus

1. The State of Bihar
2. The Deputy Manager, ICICI Bank Limited. R.K. Estate Building In Front Of Igms, Raja Bazar Patna-14

... ... Opposite Party/s

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Appearance :

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

For the Opposite Party/s : Mr.Md. Ataur Rahman, APP

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 05-10-2023 Heard the parties.

2. The petitioner is apprehending arrest in connection with Hawai Adda P.S. Case No. 21 of 2017 instituted under under Section 409, 419, 420, 468, 471 and 34 of the Indian Penal Code lodged on 8.2.2017 by the informant, Garima Chargaway.

3. As per the prosecution story, the informant is working as a Deputy Branch Manager in ICICI Bank Ltd. at Raja Bazar, Patna. He further stated that Jewel loan ICG audit was concluded at Raja Bazar Branch on October 19, 2016

during which three Jewel loan accounts were detected to have fully fake jewells which valued Rs. 2,69,000/-(Rupes two lakh and sixty nine thousand). These loans were disbursed between September 15th to October 14th, 2016 by submitting fake KYC documents. The customers Manoj Kumar (petitioner) and Pankaj Kumar were not traceable.

4. The further allegation is that the three loans were appraised by Branch jewel loan appraiser, Sanjeet Singh. The informant further alleged that he tried contact the borrower who had shifted their residences without updating the address.

5. The above mentioned persons had knowingly and intentionally had pledged the intention jewels and obtained loan from the bank to the tune of Rs. 2,69,000/-(Two Lakh Sixty Nine) thus causing wrongful gains to themselves and wrongful loss to the Bank.

6. Thus, they committed criminal breach of trust cheating and forgery. The informant has got information that Manoj Kumar and Pankaj Kumar had used the same modus operandi taken jewel loans from other branches too by producing fake identies as Satya Prakash and Rajesh Kumar respectively. Accordingly, the FIR.

7. At the outset, learned counsel for the petitioner

submits that though false allegation has been made without actually verifying whether the materials deposited were gold or not, in view of the fact that the FIR has been lodged, he is ready to deposit Rs. 2,69,000/- within four weeks to the ICICI Bank Raja Bazar Branch, Patna.

8. Learned counsel appearing for the Bank though opposes the prayer concedes that as the accuseds will have to face the trial and the Bank would like to have its money back as it is a public money.

9. Though the kind of allegation that has come against the petitioner of putting the number of Banks at loss with fake names of Satya Prakash for taking loans on fake jewels, this Court was initially not inclined to extend him relief, considering the fact that he is ready to pay Rs. 2.69 lakh which is a public money to the ICICI Bank, will ultimately have to face the consequences as the FIR has been lodged, this Court is inclined to extend him the privilege of anticipatory bail which is subject to the payment of Rs. 2.69 lakh to the ICICI Bank, Raja Bazar Branch, Patna through Demand Draft issued by the local State Bank of India branch. The same has to be submitted at the time of execution of bail bond and will be handed over to the authorized officials of the said Bank after checking the

credentials.

10. Let the petitioner be released on bail, in the event of his arrest or surrender before the concerned court within a period of four weeks from today, on furnishing of bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each in connection with Hawai Adda P.S. Case No. 21 of 2017 to the satisfaction of learned Judicial Magistrate, Patna subject to the conditions as laid down under Section 438(2) of the Cr.P.C. as also the other conditions.

(i) one of the bailor should be the family member of the petitioner who shall provide official document to show his/her bona fide;

(ii) the petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bond by the Trial Court itself;

(iii) the petitioner shall co-operate in the investigation and make himself available to the police as and when required;

(iv) the petitioner shall appear before the concerned police station every fortnight for next six months to mark his attendance;

(v) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(vi) the petitioner shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of his bail bonds.

(Rajiv Roy, J)

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