

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 74742 of 2022

Arising Out of PS. Case No.-46 Year-2013 Thana- ECONOMIC OFFENCES, BIHAR
District- Patna

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SUNIL KUMAR RAI @ ARUN PANDIT Son of Bijay Kumar @ Baudhu
Pandit Resident of Kumar Toli, P.S- Lodana, Dist- Dhanbad, State- Jharkhand,
at Present Residence of 31 Banbari Tola, Sadar Gali, Patna City, P.S.-
Alamganj, Distt.-Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr.Manoj Kumar Singh
For the Opposite Party/s	:	Mr.Ganesh Prasad Singh
For the EOU		Mr. AAG

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CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

7 14-09-2023 Heard learned counsel for the petitioner, learned

senior counsel appearing on behalf of EOU and learned

APP for the State.

2. The petitioner has renewed his prayer for
regular bail which was earlier rejected vide order dated
8.10.2021 passed in Cr. Misc. No. 33150 of 2021 with a
liberty to petitioner to renew his prayer for bail after
framing of charge registered for the offence punishable
under sections 406, 420, 465, 467, 468, 471 and 120(B) of
the Indian Penal Code.

3. In compliance of order dated 3.8.2023, a



progress report has been received from which it appears that the present case is running at the stage of prosecution evidence and out of 13 witness, one prosecution witness has been examined and the case is likely to be concluded in six months.

4. As per allegation in the FIR, petitioner got sanctioned a loan of Rs. 73,57,500/- by placing forged National Saving Certificates. In course of investigation, petitioner was arrested on the basis of his mobile location and it came to light that real name of Sunil Kumar Rai (petitioner) was Arun Pandit and with the help of the petitioner. The Bank as well as the Economic Offence Unit after enquiry found that all the forgery has been made by this petitioner as he introduced himself as Sunil Kumar Ram on the basis of forged papers whereas the correct name of the petitioner is Arun Kumar Pandit. On the basis of photographs and CCTV footage it was found that Sunil Kumar Ram and Arun Pandit are the same person.

5. It is submitted by learned counsel for the petitioner that petitioner has been falsely implicated in this case. Petitioner has no knowledge of the loan account.



During investigation, I.O. has not recovered any document from the petitioner. Similarly situated other accused person has already been enlarged on bail by another coordinate Bench of this Court vide order dated 16.10.2015 passed in Cr. Misc. No. 31321 of 2015. Petitioner is languishing in judicial custody since 28.09.2019.

6. The application for bail is opposed by learned APP for the State and learned Sr. counsel appearing for the EOU and submitted that petitioner is named in the FIR and he had intentionally committed such fraud.

6. Having heard learned counsel for the parties and considering the facts and circumstances of the case, this court is inclined to enlarge the petitioner on bail. The above named petitioner is directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Rs. ten thousand only) with two sureties of the like amount each to the satisfaction of the learned Special Judge, Vigilance, Patna in connection with Economic Offence PS Case No. 46 of 2013, Spl Case No. 40(c) of 2019 with following conditions:-

(i) Petitioner shall co-operate in the trial and shall be present on each and every fixed date and on his absence



on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

(ii) If the petitioner tampers with the evidence or threatens the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(iii) The petitioner shall not leave the country without permission of the trial Court.

(Sunil Kumar Panwar, J)

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