

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.72207 of 2022

Arising Out of PS. Case No.-397 Year-2018 Thana- LAHERIYASARAI District- Darbhanga

SUNIL GARAI SON OF GANESH GARAI R/O MOHALLA-
BAKARGANJ, P.S.- LAHEREASARAI, DISTRICT- DARBHANGA

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR
2. CHIEF MANAGER, STATE BANK OF INDIA, V.I.P. ROAD,
LAHEREASARAI, DARBHANGA

... .. Opposite Party/s

Appearance :

For the Petitioner	:	Mr.Ajit Kumar Ojha, Advocate
For the State	:	Dr. Indihar Kumari,A.P.P.
For the Informant/OP-2	:	Dr. Binod Bihari Sinha, Advocate
		Mr.Ajay Dutt Mishra, Mr.Anirudh Pd.Sinha

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

6 18-07-2023 Heard learned counsel for the parties.

2. The petitioner apprehends his arrest in a case registered for the offence under Sections 420, 467, 468, 471, 406, 409, 34 of the Indian Penal Code.

3. The prosecution case, in brief, is that as per R.B.I. instruction, the State Bank of India launched ‘Agricultural Gold Loan Scheme’ for the purpose of providing loan to farmers at low interest rate, for which, the bank authorized a valuer to check and verify the purity of gold ornaments, pledged by the borrowers, and thereafter, issue certificate indicating the value of the gold ornaments and on that basis, the bank used to provide loan to them. It is alleged that one Sharad Kumar, who



was appointed valuer by the bank, in order to procure loan got his ornaments tested and valued by this petitioner, who is proprietor of a jewellery shop, and succeeded in getting loan on the basis of fake certificate issued by this petitioner. Subsequently, after audit, the gold ornaments, pledged by valuer Sharad Kumar, was found to be fake and counterfeit.

4. It is submitted on behalf of petitioner that petitioner is proprietor of M/s Roop Shree Jewellers and Sons and he is not the authorized valuer of the bank. As a matter of fact, co-accused Sharad Kumar and his wife Kanak Gupta have committed forgery with the petitioner by fraudulently copying the design of petitioner's shop and putting forged signature of petitioner and thereafter, succeeded in getting loan from the bank on the basis of forged authentication certificate. Moreover, Smt. Kanak Gupta has already paid her outstanding amount to the bank and thus, she has been granted bail by the learned Court below itself, whereas, co-accused Sharad Kumar has been granted anticipatory bail by this Court, vide order dated 02.04.2019 passed in Cr. Misc. No. 6471 of 2019.

5. However, learned counsel appearing on behalf of State Bank of India vehemently opposes the prayer for anticipatory bail and submits that this petitioner, in collusion



with co-accused Sharad Kumar, played fraud with the bank by submitting fake certificates in respect of gold ornaments mortgaged by co-accused Sharad Kumar and thus, bank provided him loan.

6. Considering the fact that co-accused Sharad Kumar and Kanak Gupta have already been granted bail and loan amount has already been recovered from one of the co-accused, in the event of arrest/surrender within a period of six weeks from today, let the above named petitioner be enlarged on bail on furnishing bail-bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Laheriasarai, District - Darbhanga in connection with Laheriasarai P.S. Case No. 397 of 2018, subject to condition as laid down under Section 438(2) of the Code of Criminal Procedure.

(Prabhat Kumar Singh, J)

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