IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 71237 of 2022

Arising Out of PS. Case No.-4 Year-2015 Thana- C.B.I CASE District- Patna

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Dhananjay Kumar Patal Chandra Ghosh Son Of Late Patal Chandra Ghosh R/O Flat No.-D2, Nishant Sindhu, Bibhuti Tower, Bari Khanjarpur, P.S.- Barari, District- Bhagalpur

... ... Petitioner/S

Versus

1. The Union Of India Through Director Central Bureau Of Investigation, New Delhi New Delhi
2. The Superintendent of Police, Cbi, Acb, Patna Bihar
3. The Branch Manager Bank of Baroda Pathakdih Chhatpatia Branch Bhagalpur

... ... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Amarendra Kumar, Advocate
For the Opposite Party/s : Ms.Nivedita Nirvikar, Sr. Advocate

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CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA

ORAL ORDER

9 04-07-2023 Heard learned counsel appearing on behalf of the petitioner, learned counsel appearing on behalf of the State and learned counsel appearing on behalf of Bank of Baroda.

Let the defect(s), if any, be removed within a period of four weeks from today.

The petitioner seeks bail in connection with Special Case No. 06/2015 arising out of RC 4 (A) 2015 initially instituted for the offence under Sections 120B R/W 419, 420, 468, 471of the Indian Penal Code and Section 13(2)R/W 13(1) (d) of PC Act, 1988.

The accused/petitioner is named in the F.I.R. and is in custody since 23.09.2022.

The allegation against the petitioner appears as per narration of FIR that he in capacity of Branch Manager of Bank of Baroda, Pathakdih Chhatpatia Branch, Bhagalpur sanctioned loan to different persons alongwith other co-accused persons/officials but subsequently during course of inquiry, it was found that petitioner sanctioned loan to total of 534 persons on the basis of forged Land Possession Certificate (LPC).

Learned counsel appearing on behalf of the petitioner submitted that petitioner was posted as a Manager and he on the basis of report given by other subordinate officers including field staffs regarding genuineness of Land Possession Certificate (LPC) sanctioned loan to 531 persons. It is not the sole discretion of petitioner in the capacity of Branch Manager to sanction the loan. It is submitted that petitioner in connection with present case was arrested on 03.02.2015 and thereafter granted regular bail by Hon'ble High Court through Cr. Misc. No. 14492 of 2015 dated 14.09.2015, subsequently, this matter has been transferred to CBI for further investigation and again this petitioner was arrested, where he is in custody since 23.09.2022. It is submitted that the bail order as granted to this petitioner through Cr. Misc. No. 14492 of 2015 dated 14.09.2015 was never challenged by State or by CBI or by the Bank before Hon'ble Apex Court or even the prayer was not raised to cancel the said bail order before this Court. It is submitted that out of 531 alleged beneficiaries, 92 consumers already deposited loan amount and rest are in process. This fact was also supported by learned counsel appearing on behalf of Bank of Baroda. While travelling the argument, it is submitted that the other co-accused persons having active involvement with present occurrence, granted anticipatory bail by different learned co-ordinate Bench of this Court through Cr. Misc. No. 9554 of 2023 dated 05.05.2023 and Cr. Misc. No. 4289 of 2023 dated 18.05.2023. While concluding the argument, it is submitted that investigation of this case is completed, for which charge-sheet has been submitted, as such, there is no chance of tampering with the evidence.

Learned Senior Counsel, Ms. Nivedita Nirvikar while appearing on behalf of CBI submitted that being the Branch Manager, the petitioner was main kingpin of entire scam. It is submitted that out of 534 questioned BKCC sanctioned loan, 531 loan proposals was sanctioned by this petitioner alone. It is submitted that petitioner is a liable for the entire scam for the reason that being the Branch Manager, he has sanctioned and disbursed 324 BKCC loans in the name of non-existing persons. It is further submitted that even the KYC norms of the bank was not followed by this petitioner. It is also submitted that petitioner sanctioned and disbursed various BKCC loans to the existing borrowers who were defaulters. While concluding argument, the learned Senior Counsel submitted that out of defalcated amount, the petitioner purchased flat at Bhagalpur from M/s Nishan Housing Industries Pvt. Ltd., who is one of the co-accused but fairly conceded that for this defalcation, a separate case was lodged against this petitioner, where he is on bail.

Considering the facts and circumstances as mentioned above and by taking note of the fact as the petitioner for present occurrence has already granted bail through Cr. Misc. No. 14492 of 2015 dated 14.09.2015 which was registered as Sanokhar P.S. Case No. 81 of 2014, coupled with the fact that charge-sheet has already submitted, where petitioner is in custody since 23.09.2022, accordingly, petitioner above named, is directed to be released on bail in connection with Special Case No. 06/2015 arising out of RC 4 (A) 2015 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Spl. Judge CBI-1, Patna/concerned Court, subject to the conditions as mentioned under Section 437(3) of the Cr.P.C.

(Chandra Shekhar Jha, J)

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