IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.15141 of 2024

Arising Out of PS. Case No.-510 Year-2023 Thana- PATRAKARNAGAR District- Patna

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Sujeet Kumar Sharma S/o Premchand Sharma R/o Bishnupur Pakri, P.S. - Beur, Distt. - Patna, Bihar

... ... Petitioner/s

Versus

1. The State of Bihar
2. Indian Bank, Patrakar Nagar, Kankarbagh, Patna-800020 Bihar

... ... Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Lokesh Kumar, Adv.
For the State	:	Mr. Zainul Abedin, APP.
For the Indian Bank	:	Mr. Devendra Prasad, Adv.

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CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN

ORAL ORDER

9 02-12-2024 Heard learned counsel for the petitioner, learned A.P.P. for the State and learned counsel for the Indian Bank.

2. The petitioner apprehends his arrest in a case registered for the offences punishable under Sections 406 and 420 of the Indian Penal Code.

3. The prosecution case, in short, is that on the request of Raj Kumar Gupta and Nilu Devi, a home loan worth of Rs. 43,47000/- for purchasing a house has been sanctioned by the Indian Bank, thereafter the bank paid Rs. 39,00,000/- to Ram Pravesh Singh (seller of the property) identified by Chanda Devi and the petitioner (direct selling agent) all of them conspired together to register the property by replacing other unknown person as the owner of the property in place of real

owner in favor of Raj Kumar Gupta and Nilu Devi but after issuance of home loan, EMI was not deposited due to which account became NPA.

4. It is submitted by learned counsel for the petitioner that the petitioner has been falsely implicated in this case. It is also submitted that the petitioner was appointed as Direct Selling Agent of the said bank and it is also mentioned in the appointment letter that petitioner is not entitled to collect any charge from the applicant on behalf of the bank and the role of the petitioner is limited to sell only home loan products of the said bank. It is further submitted that the petitioner has no role to sanction any loan or any other banking work. The allegation levelled against the petitioner is not specific rather general and omnibus in nature. Petitioner has one criminal antecedent as mentioned in para-3 of this application.

5. Learned A.P.P. for the State and learned counsel for the Indian Bank opposed the prayer for anticipatory bail of the petitioner and submitted that petitioner has committed fraud with the bank.

6. Having regard to the facts and circumstances of the case and considering the fact that sufficient time was given to the learned counsel for the bank to file a detailed counter

affidavit but till date no counter affidavit has been filed on behalf of the bank and there is no specific overt act against the petitioner, let the above named petitioner, be released on bail, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned Court below where the case is pending/successor Court in connection with Patrakar Nagar P.S. Case No. 510 of 2023, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

(Anjani Kumar Sharan, J)

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