IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39552 of 2023

Arising Out of PS. Case No.-9 Year-2018 Thana- C.B.I CASE - TR District- Patna

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Mithilesh Kumar Son of Sri Hari Nath Prasad, Resident of Village- Vishunpuri, Ram Lakhan Singh Path, Mahindra Show Room, PS- Gardanibagh, Distt- Patna.

... ... Petitioner/s

Versus

The Central Bureau of Investigation (Economics Offence Wing) Ranchi, Bihar.

... ... Opposite Party/s

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Appearance:

For the Petitioner/s : Mr. Manoj Kumar Singh, Advocate
For the CBI : Mrs. Nivedita Nirvikar, Sr. Advocate

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA

ORAL ORDER

4 05-03-2024 Heard Mr. Manoj Kumar Singh, the learned counsel for the petitioner and Mrs. Nivedita Nirvikar, the learned senior counsel appearing on behalf of Central Bureau of Investigation.

2. The petitioner is apprehending his arrest in connection with Spl. Case No. 01 of 2021, arising out of RC 09(S) of 2018, FIR dated 16.11.2018, registered for the offences punishable under Section 120(B) read with Sections 420, 467, 468 and 471 of the Indian Penal Code and under Section 13(1) of the ECA Act.

3. According to prosecution case, Branch Manager, Corporation Bank, Raja Bazaar, Patna entered into criminal conspiracy with other co-accused persons including the petitioner and cheated Corporation Bank by providing bogus

financial credentials in the name of firms of different borrowers and sanctioned loans to different individuals/borrowers on the basis of false and fabricated documents.

4. Learned counsel for the petitioner submits that petitioner has clean antecedent and he has falsely been implicated in the present case. The allegations levelled against the petitioner are false and fabricated and he has never committed any offence as alleged in the FIR. He further submits that the petitioner has neither obtained any loan from the Corporation Bank, Raja Bazaar Branch, Patna nor he has provided loan or any document to anyone. He lastly submits that no cogent material has come during investigation to suggest that the petitioner has provided any forged or fabricated documents to dishonest the loan holders and without cogent material, the Central Bureau of Investigation has submitted the chargesheet against the petitioner and others on 01.01.2021.

5. Learned senior counsel for the CBI has filed a counter-affidavit and has vehemently opposed the prayer for bail of the petitioner and submits that during the investigation it has been revealed that accused Amrendra Kumar, the then Branch Manager, Corporation Bank, Raja Bazaar, Patna entered into criminal conspiracy with other co-accused persons including the petitioner and co-accused Saurav Kumar and other accused

persons provided bogus financial credentials in the name of firms of different borrowers and on the basis of those bogus documents, the co-accused Amrendra Kumar dishonestly sanctioned loans to different individuals/borrowers beyond his delegated powers of lending and all the loans were sanctions on the basis of false and fabricated documents and no actual business was carried out and the loan amount was embezzled by the accused persons, but fairly submits that except the suspicion, no cogent material has come during investigation, which suggests the involvement of the petitioner in the present occurrence.

6. Considering the aforesaid facts and circumstances and the fact that the petitioner has clean antecedent and nothing has come during investigation which suggests the involvement of petitioner in the present occurrence except suspicion, let the petitioner, above-named, in the event of his arrest or surrender before the Court below, within a period of four weeks from the date of receipt of the order, be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Special Judge, CBI 1st, Patna, where the case is pending in connection with **RC 09(S) of 2018**, subject to the conditions as laid down under Section 438(2) of the Cr.P.C. and also the

following conditions:

(i). Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the Court 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 the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(iii). And further condition that the Court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the Court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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