

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.49838 of 2023

Arising Out of PS. Case No.-4 Year-2019 Thana- VIGILANCE District- Patna

AKHOURI GOPAL SON OF LATE BANSIDHAR AKHOURI RESIDENT
OF VILLAGE -BANSI SADAN, CHAND CHAURA, PS- CIVIL LINE,
DISTT- GAYA, DIRECTOR OF M/S RAMANDI ESTATE PRIVATE
LIMITED , REGISTERED OFFICE AS MAPLE VILLA M-34, ASHIANA,
WOODLAND, ASANBANI, PS- CHANDIL, DISTT- JAMSHEDPUR,
JHARKHAND AND BANSI SADAN, CHAND CHAURA, GAYA

... .. Petitioner/s

Versus

THE CENTRAL BUREAU OF INVESTIGATION THROUGH ITS
SUPERINTENDENT OF POLICE, PATNA BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Manish Kumar No. 2, Advocate

For the Opposite Party/s : Mrs. Nivedita Nirvikar, Sr. Advocate CBI

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

9 02-02-2024 Heard learned counsel for the petitioner and the CBI.

2. Petitioner apprehends arrest in a case registered for
the offences punishable under Sections 120(B), 420, 468, 471
and 477(A) of the Indian Penal Code.

3. As per prosecution case, this petitioner along with
other co-accused persons availed the term loan of Rs. 85.00
crores from the consortium member banks, acknowledged the
loan and diverted the Term loan fund to the tune of Rs. 61.15
crores (other than the cash payment of Term loan fund to the
tune of Rs. 6.10 crores from various accounts) through various
layers instead of constructing the Hotel, for which the loan was
sanctioned.



4. Learned counsel for the petitioner submits that petitioner is innocent and he has not committed any offence at all. He next submits that if any amount has been diverted by the petitioner, the same has been done as per the oral instructions of the banks. It is further submitted that the bank has already filed an application under Section 19 of the Recovery of Debt and Bankruptcy Act for recovery of the amount from the petitioner and in view of the judgment passed by the Debt Recovery Tribunal, the bank has sold the entire mortgaged property of the petitioner. He lastly submits that chargesheet has also been submitted and there is no allegation of cheating against the petitioner.

5. Learned counsel for the CBI submits that the alleged offence committed by the accused petitioner falls under the category of Economic offence and involvement of huge public money and did not show any reasonable ground in support of his averments. Further the petition is not legally sustainable and maintainable in view of the guidelines laid down by the Hon'ble Supreme Court in ***Gurbaksh Singh Sibbia & Ors Vs. State of Punjab AIR 1980 SC 1632.***

6. Considering the fact that chargesheet has been submitted, most of the mortgaged property has been auctioned



to realise the amount and there is no chance of absconding or tampering with the evidence, this anticipatory bail is allowed and it is ordered that let the above named petitioner in the event of his arrest/surrender before the court below within a period of six weeks from today, 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 Special Judge, C.B.I-I, Patna in connection with Special Case No. 03 of 2021 arising out of R.C. Case No. 4(E) of 2019, subject to condition as laid down under Section 438(2) of the Code of Criminal Procedure.

(Prabhat Kumar Singh, J)

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