IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.50229 of 2023

Arising Out of PS. Case No.-341 Year-2022 Thana- MOHANIYA District- Kaimur (Bhabua)

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Sonu Tiwary @ Sonu Kumar Tiwary Son Of Mahesh Tiwary Resident Of Ramnagari Sector - Ii, Ashiyana Nagar, P.S.- Rajiv Nagar, District - Patna.

... ... Petitioner/s

Versus

1. The State of Bihar
2. Hdfc Bank Through Its Regional Head (EEG), 1st Floor, Rajendra Ram Plaza, Opposite Magma Fincorpo, Exhibition Road, Patna

... ... Opposite Party/s

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Appearance :
For the Petitioner/s : Mr. Brisketu Sharan Pandey, Advocate
For the Opposite Party/s : Mr. Choubey Jawahar, APP

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CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

8 01-02-2024 Learned counsel for the petitioner is permitted to remove the defect(s), as pointed out by the office, if any, within a period of three weeks from today.

2. Heard learned counsel for the petitioner and learned Additional Public Prosecutor for the State.

3. The petitioner is apprehending his arrest in connection with Mohania P.S Case No. 341 of 2022 dated 27.06.2022 registered for the offence punishable u/s 420, 406, 409, 423 and 34 of of the Indian Penal Code.

4. As per the prosecution case, HDFC Ltd. sanctioned a working loan of Rs. 60 lakhs to M/s Aryan Trading, Proprietor : Mrs. Madhavi Devi (Co-accused) under the guarantee of three

co-accused persons. The aforesaid loan primarily was secured by stock and book debts; created out of banks finance and collaterally secured by mortgage of two properties. Initially the loan was applied in 2014 with limits but subsequently, the same was enhanced at the request of the borrowers. During the internal inspection of the bank, it was found that the property which was offered as collateral security, has less valuation than prescribed and has been sold to another person without the consent of the bank in the year 2019. The valuation of the properties were taken by the petitioner and other co-accused persons.

5. Learned counsel for the petitioner has submitted that the petitioner has falsely been implicated in this case. It is submitted that the petitioner being the credit manager has only appraised the enhancement of the sanctioned loan. The documents as annexed with the F.I.R. do not bear the signature of the petitioner. The petitioner had no delegated power to sanctioned enhancement of loan and they were Junior Officer and he was only engaged in processing. The recommending and final sanctioning authorities were Abhishek Sumani**,** Area Sales manager and Hemant Mandal, free credit manager. The petitioner was never involved in any manner at the stage of

document verification, creation of mortgage or any sanction of loan. The petitioner was not the employee of the bank on the date of loan issuance. It is further submitted that the petitioner was never involved with the loanee. The petitioner has no criminal antecedent as stated in para 3 of the bail petition.

6. Learned A.P.P. for the State has vehemently opposed the prayer for anticipatory bail of the petitioner.

7. Considering the aforesaid facts and circumstances of the case, let the above named petitioner, in the event of his arrest/surrender within a period of six weeks from today, be enlarged on anticipatory bail on furnishing bail-bond of Rs. 20,000/- (Rupees twenty thousand) with two sureties of the like amount each to the satisfaction of the learned court concerned, Kaimur at Bhabhua in connection with Mohania P.S Case No. 341 of 2022, subject to conditions as laid down under section 438(2) of the Code of Criminal Procedure.

8. The application stands allowed.

(Chandra Prakash Singh, J)

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