IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53876 of 2024

Arising Out of PS. Case No.-113 Year-2024 Thana- SALIMPUR District- Patna

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Tushar Kant Pankaj @ Tushar Kumar Pankaj son of America Prasad @ Anerika Yadav Resident of Ward No. 8, Parwalpur PO + PS - Parwalpur Dist- Nalanda

... ... Petitioner/s

Versus

The State of Bihar

... ... Opposite Party/s

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Appearance :
For the Petitioner/s : Mr. Kumar Kaushik, Advocate
For the Opposite Party/s : Mr. Lalan Kumar, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA

ORAL ORDER

2 02-08-2024 1. Heard learned counsel for the petitioner and learned A.P.P. for the State.

2. The petitioner apprehends his arrest in a case registered for the offence punishable under Section 306 of the Indian Penal Code.

3. Learned counsel for the petitioner submits that petitioner is a person with clean antecedent and the informant, who is wife of Late Chitragupt Raushan, alleges that her husband had taken a loan from the Central Bank of India, Karnauti Branch under PMGP scheme when petitioner was the Branch Manager of the Bank and the petitioner directed her husband to deposit an amount of Rs.2,50,000/- in March, 2023, accordingly, the amount was deposited and thereafter the husband of the informant purchased the machine from Rajasthan

and brought it to village Salimpur and the payment of the machine was made by the petitioner as detailed in the FIR. Thereafter, the husband of the informant kept chasing the petitioner for disbursing the loan but the same was not disbursed as such the machine could not be installed and after sometime theft of the machine was committed and despite best endeavour of her husband FIR was not instituted which perturbed her husband who started contemplating suicide. Thereafter, brother-in-law (elder brother of her husband) of the informant started trying to obtain evidence and succeeded in recording conversation of the petitioner after calling him to Salimpur where petitioner agreed that the insurance of the stolen machine shall be paid within ten days. Thereafter, her brother-in-law sent the details of her husband to the petitioner and petitioner sent a three pages letter on WhatsApp of her brother-in-law asking him to ask her husband to send the letter from his email so that the insurance amount is received in ten days. Further, when her husband was informed about the same, he started crying saying that petitioner will kill him. It is alleged that the loan amount was misappropriated by the petitioner as such her husband committed suicide by leaving a suicide note recording therein that petitioner is responsible for his death.

4. Learned counsel for the petitioner submits that petitioner has been falsely implicated in the present case by the informant. It is further submitted that from perusal of the allegation as alleged in the FIR, it would manifest that the same is vague. It is next submitted that the husband of the informant died on 11.04.2024 but the FIR came to be instituted on 15.04.2024 i.e. after a delay of four days of the occurrence. It is also submitted that the FIR was sent to the learned trial court on 29.04.2024 i.e. after a delay of two weeks after its institution as such it appears that the FIR was antedated and came to be instituted by way of afterthought. It is further submitted that the husband of the informant claimed loan under the Prime Minister's Employment Generation Programme and the deceased had made an application for loan of Rs.25 lakhs in February, 2023 when the petitioner was posted as the Branch Manager, Central Bank of India, Karnauti Branch. It is next submitted that an amount of Rs.22.50 lakhs was sanctioned on 29.03.2023 and the amount was directly transferred in the account of the deceased out of which Rs.14 lakhs was deposited in the turn loan account of the deceased for purchasing the machine and a CC Account Working Capital was also opened with Rs.8,10,000/- and the remaining Rs.40,000/- is still lying in

the account of the deceased as such the entire amount of Rs.22.50 lakhs was credited in the account of the deceased. It is also submitted that margin money of 10 per cent was contributed by the deceased as the same is not given by the bank. It is further submitted that the petitioner was posted in the said branch from 15.07.2021 to 15.04.2023 as such was not responsible at all for the insurance of the machine which was required to be arranged by the officers who were posted at the aforesaid branch after the machine was purchased. It is next submitted that the informant had also taken a loan of Rs.1,07,636/- from the Central Bank of India, Karnauti Branch under the Kisan Credit Card on 10.12.2023 and the loan was not being repaid for which the bank issued notice dated 27.02.2024 asking the informant to pay an amount of Rs.1,09,248/- plus interest which caused financial distress to the deceased. It is also submitted that the loan of the deceased also became NPA as would manifest from Annexure-4 which is letter dated 04.04.2024. It is further submitted that the suicide note also does not contain the signature of the deceased which further castes an aspersion on the case of the prosecution. It is also submitted that petitioner will not abscond rather will cooperate in the investigation.

5. Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioner.

6. Considering the submissions made by the learned counsel for the petitioner, let the petitioner above-named, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs.10,000/- (Rupees Ten 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 Salimpur P.S. Case No. 5117096240113, dated 15.04.2024, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

(Satyavrat Verma, J)

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