

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.67630 of 2023

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

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Rahul Kumar Mishra @ Rahul Mishra Son Of Sri Ajay Mishra Resident Of
Shahwajpur, P.S. - Bihta, District - Patna

... .. Petitioner/s

Versus

1. The Central Bureau Of Investigation, Eow, Ranchi
2. Shri Pramod Kumar Gupta S/o Radhe Shyam Gupta, Deputy General
Manager, Corporation Bank, Zonal Office, Patna, Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. N.K. Agrawal, Sr. Advocate Mr. Saket Tiwary Mr. Anuraj Singh, Advocates
For the C.B.I.	:	Mrs. Nivedita Nirvikar, Sr. Advocate

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 28-06-2024 Heard Mr. N.K. Agrawal, learned Senior counsel for

the petitioner assisted by Mr. Saket Tiwary and Mrs. Nivedita

Nirvikar, learned Senior counsel appearing on behalf of Central

Bureau of Investigation.

2. The petitioner is apprehending his arrest
connection with Special Case No. 01 of 2021 arising out of RC
No. 9 (S) 2018, F.I.R. dated 16.11.2018 registered for the
offences punishable under Sections 120B read with Section 420,
467, 468, 471 of the Indian Penal Code and Section 13(1)(a) of
the Prevention of Corruption Act, 1988.

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 Senior counsel for the petitioner submits that the petitioner has clean antecedent and he has been falsely implicated in the present case. He further submits that the allegation as alleged in the F.I.R. is false and fabricated and the petitioner has not committed any offence as alleged in the F.I.R. He further submits that from perusal of the F.I.R. it appears that there is a bald and omnibus allegation has been levelled against the petitioner that he was a middleman while there being no evidence to show that the petitioner acted as middleman in procuring loan to anyone. In fact, the petitioner himself was a customer of the Bank and has liquidated the loan taken by him. The petitioner never acted on behalf of anyone nor did he submit any documents for anyone for procuring loan from the Bank and the Central Bureau of Investigation after investigation submitted chargesheet against the petitioner and other co-accused persons on 01.01.2021. The Central Bureau of Investigation called the petitioner for investigation for four



times and the petitioner duly attended the investigation without fail and the petitioner has cooperated in the investigation and apart from that no incriminating material has come during investigation to suggest the involvement of the petitioner in the present occurrence. Learned Senior counsel for the petitioner further submits that co-accused person namely Mithilesh Kumar against whom the similar allegation that he has also provided forged and fabricated documents to dishonest the loan holders and without any cogent material, the chargesheet was submitted against the petitioner and other co-accused persons. He further submits that the aforesaid co-accused person namely Mithilesh Kumar has been granted bail by this Court vide order dated 05.03.2024 passed in Cr. Misc. No. 39552 of 2023.

5. Learned Senior counsel for the Central Bureau of Investigation opposed the prayer for anticipatory bail of the petitioner and submits that from perusal of the chargesheet in paragraph-3 of the chargesheet, details is also mentioned, which suggests that the petitioner was involved in the present crime in question, in reply to the aforesaid, learned Senior counsel for the petitioner submits that it appears from the chargesheet that which documents was produced by the petitioner is not anyone in the chargesheet and there is only vague statement in the



chargesheet, and fairly submits that except the suspicion, no other cogent has come during investigation to suggest the involvement of the petitioner in the present occurrence.

6. Considering the aforesaid facts and circumstances of the case and the fact that the petitioner having clean antecedent and nothing has come during investigation which suggests the involvement of the petitioner in the present occurrence except suspicion as well as similarly situated co-accused person namely Mithilesh Kumar has been granted bail by this Court vide order dated 05.03.2024 passed in Cr. Misc. No. 39552 of 2023, let the petitioner, above named, in the event of his arrest or surrender before the court below within a period of thirty days from the date of receipt of the order, be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge, CBI 1st, Patna in connection with Special Case No. 01 of 2021 arising out of RC No. 9(S) of 2018, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure and with other following conditions :-

(1) 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.

(2) If the petitioner tampers with the evidence or the witness, in that case, the prosecution will be at liberty to move for cancellation of bail.

(3) 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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