IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.62998 of 2023

Arising Out of PS. Case No.-121 Year-2023 Thana- PUNAURA District- Sitamarhi
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SONU KUMAR SON OF RAMASHISH PRASAD RESIDENT OF AT - LODIPUR, BUDHA MARG, POLICE STATION - KOTWALI, DISTRICT - PATNA

... ... Petitioner/s

Versus

THE STATE OF BIHAR

... ... Opposite Party/s
==

Appearance :
For the Petitioner/s : Mr. Pranav Kumar
For the Opposite Party/s : Mr. Akshay Lal Pandit
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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

3 29-02-2024

1. Heard learned Counsel for the petitioner and learned Additional Public Prosecutor for the State.
2. This application, for grant of anticipatory bail, arises out of Punaura Police Station Case No. 121 of 2023, disclosing offences under Sections 406, 420, 409, 467, 468, 469, 471, 34 of the Indian Penal Code.
3. As per the prosecution case, the informant was posted as a Regional Sales Manager (Bihar) in L & T Finance Limited Company which is a non-banking company and the aim and objective of the company is to provide loan for the purpose of purchase of vehicle including two wheelers. The petitioners were working as sales

executives in the aforesaid company. It is alleged that the petitioner in collusion with automobile dealers namely Bhutahi Automobiles, Bajrang Automobiles and Tamaney Automobiles, produced false, forged and fabricated documents in the name of fictitious borrowers and got the loan sanctioned by the company. It has further been alleged that the petitioner produced false and fabricated certificate of registration, false engine and chasis number of the vehicles. All the other details like mobile number, PAN card number, voter identity of the purchasers were found to be false and fabricated. It is further alleged that a total sum of Rs. 4,56,16,798/- was defalcated on the basis of forged documents and subsequently, the petitioner misappropriated the amount in complicity with the dealers, causing huge financial loss to the aforesaid non-banking financial company. It has further been alleged that the petitioners got loan sanctioned for a total of 310 vehicles on the basis of forged and fabricated documents causing loss to the company.

4. Learned Counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in the present case. He further submits that a false case has

been instituted against the petitioner by the informant to save his own skin as the informant himself was posted as Regional Sales Manager since December 2021 to January 2023 and the informant is liable for this misappropriation of the aforesaid amount. He further submits that the occurrence took place between April 2022 and February 2023 whereas the petitioner joined as Area Sales Manager at Muzafferpur on 16.08.2022 after getting promotion vide letter dated 04.08.2022 and before 04.08.2022, petitioner was posted as sales executive at Patna and he is not at all concerned with the affairs of Muzafferpur region. He further submits that the Incharge himself is responsible for the misappropriation of funds.

5. Learned A.P.P. for the State opposes the prayer for anticipatory bail to the petitioner and submits that the allegations are of serious nature involving financial defalcation and embezzlement.

6. Having regard to the submissions made on behalf of the parties and taking into consideration the nature of allegations against the petitioner and the fact that there is direct and specific allegation against the petitioner that the petitioner, working as sales executive, got the loan

sanctioned in the name of fictitious persons on the basis of forged and fabricated documents, the investigation is at preliminary stage, I am not inclined to grant the petitioner privilege of anticipatory bail.

7. This application is, accordingly, rejected.

(Anil Kumar Sinha, J)

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