

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.72187 of 2024

Arising Out of PS. Case No.-168 Year-2024 Thana- LAHERIMUHALLA District- Nalanda

Saurabh Kumar Jha Son of Shiv Shankar Jha R/O Mohalla- Brahman Tola,
PS- Supaul, District- Supaul

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Rajiv Kumar Verma, Sr. Adv
	:	Mr. Rohan Verma
For the Opposite Party/s	:	Mr. Nawal Kishore Pd., APP

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 29-10-2024 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 Laheri Police Station Case No. 168 of 2024,
disclosing offences under Sections 406, 420, 467, 468, 120(B),
471 read with Section 34 of the Indian Penal Code.

3. As per the First Information Report, lodged by Area
Risk Control Manager, HDB Financial Services, the petitioner,
along with two other accused persons, in criminal conspiracy
and by using fake documents, took loan from informant's
company for purchase of nineteen tractors worth Rs.
1,16,00,000/- and the loan amount was kept in the dealers
account i.e., petitioner. Upon inquiry, the HDB Company came
to know that chassis and engine numbers of nineteen tractors
mentioned were fake and fabricated which has been confirmed



by the Escort Company stating that the chassis and engine number provided for by the dealer for nineteen tractors were never manufactured and given to the dealer for sale.

4. Learned senior counsel for the petitioner submits that the petitioner is the dealer of Escorts tractor in the name and style of M/s Nitya Tractors and was empanelled with the HDB Financial Services for grant of loan to the customers for purchase of tractors. The petitioner has been made scapegoat by the co-accused who are Senior Sales Officer and sales Manager of the HDB Company who used the bank account of the petitioner for committing the fraud and siphoning the money of the financial company. After examination and verification of the documents prepared by the officials of the company i.e., co-accused, the HDB Company disbursed the amount in question to be transferred in the bank account of the petitioner's firm, as such, whatever wrong has been committed, it has been committed by the co-accused who are officials of the HDB Finance Company. The money transferred in the bank account of the petitioner was withdrawn by the co-accused persons i.e., Senior Sales Officer and Sales Manager namely Sushant Kumar and Tribhuwan Kumar and only Rs. one lac per tractor as commission was given to the petitioner which the petitioner is



ready to refund. Referring to Annexure 2, learned senior counsel submits that EMI of the loan was paid by a co-accused Sushant Kumar till December, 2023/ January, 2024.

5. On the other hand, learned counsel for the informant/HDB Financial Company vehemently opposes the prayer for bail and submits that petitioner was actively involved with the co-accused and dishonestly misappropriated a sum of Rs. 1,16,00,000/- of the Company. The loan amount was kept in the bank account of the petitioner and the petitioner provided fake chassis and engine numbers of nineteen tractors which were never manufactured or supplied to the dealer/petitioner by the Escort Company.

6. I have heard learned counsel for the parties and have gone through the FIR as well as impugned order. In the FIR, there is specific allegation that the loan against the nineteen tractors was availed on the basis of forged and fabricated documents and the fake chassis and engine number of the said tractors were provided by the petitioner. The loan amount for nineteen tractors was kept in the bank account of the petitioner from where it was siphoned. There is prima facie material against the petitioner that he in criminal conspiracy with the co-accused defrauded a huge amount of the Finance company, I am



not inclined to grant privilege of anticipatory bail to the petitioner.

7. This application is, accordingly, rejected.

(Anil Kumar Sinha, J)

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