IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.79971 of 2023

Arising Out of PS. Case No.-121 Year-2023 Thana- PUNAURA District- Sitamarhi

==

Md. Faiz Ahmad son of Md. Kasim R/o- W.No-1, Ramnaika Ps- Parihar Dist- Sitamarhi

... ... Petitioner/s

Versus

1. The State of Bihar Bihar
2. Amit Sinha S/O- Late Manoj Kumar Sinha, R/O- Product Manager, L.T. Finance Manager, Mumbai

... ... Opposite Party/s

==

Appearance :
For the Petitioner/s : Mr.Ashok Kumar Jha, Advocate
For the Opposite Party/s : Ms.Nirmala Kumari, APP

==

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

4 06-09-2024 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 petitioner is the owner of Tammane Automobile. It is alleged that the

petitioner in collusion with ex-employees of L&T Finance Limited, automobile dealers namely Bhutahi Automobiles and Bajrang 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. 2,78,16,250/- was defalcated on the basis of forged documents, in respect of 256 vehicles, by the petitioner, causing huge financial loss to the aforesaid non-banking financial 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 misappropriation of the aforesaid amount. He further submits that alleged amount which have been transferred in the account of petitioner's firm, the same has

already been transferred in the account of Sales Executive of the informant's company through different cheques, which would be evident from bank statement of petitioner's account.

5. Learned counsel for the informant and A.P.P. for the State opposed the prayer for anticipatory bail to the petitioner and submits that the allegations are of serious nature involving financial defalcation and embezzlement in connivance with accused persons who are dealers of the automobile company and ex-employees of L&T Finance Limited.

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 being the proprietor of Tammane Automobile and huge amount has been embezzled by preparing false documents causing loss to the L&T Company and bail application of co-accused has been dismissed by this Court in Cr. Misc. No. 62998 of 2023, I am not inclined to grant the petitioner privilege of anticipatory bail.

7. This application is, accordingly, rejected.

(Anil Kumar Sinha, J)

rinkee/-

U		T	