IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2803 of 2024

Arising Out of PS. Case No.-14 Year-2017 Thana- C.B.I CASE District- Patna

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Arvind Narayan Singh S/o Late Birendra Narayan Singh The then branch Manager, Union Bank of India, Main Branch Patna, Resident of Nehru Enclave, P.S.- Gomatinagar, Near Lohia Park, Lucknow, U.P.

... ... Petitioner/s

Versus

The Central Bureau of Investigation (CBI) through Superintendent of Police, ACB, Patna. Bihar

... ... Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Priyajeet Pandey, Adv.
		Ms. Megha, Adv.
For the C.B.I.	:	Mr. Avanish Kumar Singh, Adv.

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN

ORAL ORDER

4 19-04-2024 Heard learned counsel for the petitioner and learned counsel for the Central Bureau of Investigation.

2. The petitioner is apprehending arrest in connection with CBI/ACB/Patna RC Case No. 14(A) of 2017 lodged on 18.07.2017 for the offences punishable under Sections 120(B), 420, 409 of the Indian Penal Code read with sections 13(2), 13(1)(d) of the Prevention of Corruption Act, 1988.

3. As per the prosecution, the present case has been filed by the CBI in which series of persons were made accused including the present petitioner. The specific allegation against the present petitioner is that he in connivance with named and other unknown accused persons played a criminal conspiracy

and in this way, he has committed the offence of cheating, criminal breach of trust and abuse of his official position in which he has wrongly sanctioned term loan amounting to Rs. 470 lacs under the Union Rent Scheme in the name of one Sudhir Kumar who was not the operator of the main business and in continuation of the same, he has opened savings bank account in the name of the said Sudhir Kumar and Kaushalya Devi. Upon debit of the loan amount, he has transferred the said amount in the account of operator of M/s Sonali Auto Private Ltd (hereinafter referred to as SAPL). In this way, the involvement of the petitioner has been made as criminal conspirator on the basis of which a regular case is registered under sections 120(B), 420, 409 of the Indian Penal Code read with sections 13(2), 13(1)(d) of the Prevention of Corruption Act, 1988 against the petitioner being the Branch Manager, other managers, SAPL and the Directors of SAPL. with specific allegation that they have committed cheating and misappropriating an amount of Rs 424 lacs and its interest.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence. Counsel also submits that from the contents of the FIR itself, it is very much clear that the petitioner was working as Branch Manager

having limited capacity to sanction the loan. Counsel submits that as per the allegation made in the FIR, the sanction loan was of Rs. 470 lacs under the Union Rent Scheme and the petitioner being a single person is not capable to sanction such huge loan. Counsel further submits that the FIR itself indicates that the approval of said loan has been made at the level of the committee situated at regional office namely Management Committee/Credit Approval Committee.

5. Learned counsel for the petitioner submits that the allegation of conspiracy and defraud has been made against him which is absolutely wrong due to the reason that there is nothing whispered in the FIR that he has taken a single penny in his personal account for his personal benefit. Counsel also submits that the said Sudhir Kumar who is alleged to be the victim according to the FIR is basically a person with whom the company namely SAPL is working and on his land, the said SAPL and its Directors were functioning and they have produced an agreement before the Bank in this regard which is annexed as Annexure-5 to the present petition. Counsel further submits that in the banking system, such a huge loan cannot be granted or sanctioned in the individual capacity of the petitioner and such decision has to be taken always and always at the top

level. Therefore, the petitioner alone may not be held responsible for any such wrong, if done. Counsel also submits that the departmental proceeding has been initiated against the petitioner and after the exhausted departmental proceeding which ended in his favour and without casting any aspiration on the integrity and honesty of the petitioner, it has come that whatever be the irregular transactions has been examined, the money is still with the system and is realizable.

6. Learned counsel for the petitioner submits that it is the conspiracy played by the businessman who was the operator of the SAPL and attempt to grab the money by creating the pressure on the petitioner and in support of his arguments he relied on Annexure-6 which is an offer made by him of compromise and one time settlement proposal made to the Branch Head of the Union of India. Counsel also submits that the petitioner being the official of the Bank became well aware about the rules and regulations and it is due to this reason, immediately upon non-payment of the installments, account has been made NPA (Non performing Asset) and appropriate cases have been filed time to time at the instance of the petitioner which is apparent from the proposal made by the SAPL. Counsel further submits that there is no allegation of the CBI

against the petitioner that he has taken a single penny in his account or he has committed fraud or cheating with anyone. Counsel submits that the petitioner is serving in the banking industry since long holding a high post at present and ready to support the prosecution every time and in all manner and is ready to abide by all the conditions whatsoever shall be imposed upon him.

7. Learned counsel for the CBI on the other hand submits that the Trial Court at the time of passing the rejection order of anticipatory bail has categorically observed that the petitioner being the Manager of the Bank sanctioned the loan amount diverted to some other account to one Sudhir Kumar denying opening of any Bank account or applying for a loan and lamented that the loan fraudulently sanctioned the entire amount was diverted to the benefit of SAPL account. Counsel also submits that the petitioner obviously not prepared the mandatory documents like account opening form, specimen signature, loan applications etc. and he admitted to have acted in a haste and written a letter to Digha branch to open an account in the name of Sudhir Kumar. Departmental enquiry conducted against the petitioner and found him guilty of failure to take all possible steps to ensure and protect the interest of the bank, failure to

discharge the duties with utmost devotion and diligence and acting otherwise than in the best judgment in performance of his official duties. Counsel further submits that charge-sheet has already been submitted in this case under sections 120(B), 420, 409 of the Indian Penal Code.

8. After hearing the parties, two things which is most important in the present case. The first is the finding of the departmental proceeding that it is an irregularity which has been by the officials and it has not come either in the departmental proceeding or in the investigation that the petitioner has even received a single penny of the said amount personally in his account. Litigation going on between the parties and it is true that high stake of the Government money is involved in this case, but the enjoyment of those money has been done by the SAPL officials and his associates. From the documents which is annexed as Annexure-2 of the present application and Annexure-6, it transpires to this Court that the beneficiary of those money is the officials of the SAPL. Sudhir Kumar is the person who has provided the land to the SAPL officials under an agreement. On the one hand, they are enjoying the money and on the other, they filed a settlement agreement before the Bank for one time settlement.

9. In this background, this Court is of the firm view that the petitioner is not the real culprit and the real culprit is the SAPL peoples and at this level, nothing is against the petitioner except allegations which are subject to trial.

10. As such, considering the aforesaid facts and circumstances, let the above named petitioner is directed to release on bail, in the event of arrest or surrender before the learned Court below within a period of 6 weeks from today, on furnishing bail bond of Rs.30,000/- (thirty thousand) with two sureties of the like amount each to the satisfaction of the learned Exclusive Magistrate, CBI, Patna, subject to the conditions as laid down under Section 438(2) Cr.P.C.

11. It is made clear that the petitioner shall support in the trial and the prosecution has liberty to move for cancellation of bail of the petitioner in case it has been found that the petitioner is not supporting in the trial.

(Dr. Anshuman, J.)

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