IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.84292 of 2024

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

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Kumar Anand Son of Late N.R.P. Sinha Resident of Mohalla - Nariyal Ghat, P.O. - Digha, P.S. - Danapur, District - Patna -801503... ... Petitioner/s

Versus

Union of India through Superintendent of Police C.B.I, Patna Bihar ... ... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Manoj Kumar Ambastha, Advocate
For the Opposite Party/s : Ms.Nivedita Nirvikar, Sr.Advocate

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

5 02-05-2025 Heard Mr.Manoj Kumar Ambastha,learned counsel for the petitioner and Mrs. Nivedita Nirvikar, learned senior counsel for the C.B.I.

2. The petitioner is apprehending his arrest in connection with in connection with Special Case No.05 of 2023(R.C.-14A/2017), F.I.R. dated 18.07.2017 registered for the offence punishable under Sections 404,420,120B of Indian Penal Code and Section 13(2) r/w Section 13(1)(d) of P.C. Act.

3. The prosecution story according to FIR in brief is that a credible source information has been received to the effect that during the year 2016, Sh. Arvind Narayan Singh, Sh. Kumar Anand, M/s Sonali Auto Pvt. Ltd., Sh. Abhishek Roy, Sh. Bidhan Chand Roay, Smt. Kavita Roy and others unknown were party to a criminal conspiracy. They in pursuance of said criminal conspiracy committed the offences of cheating,

criminal breach of trust and abuse of official position. It is alleged that in pursuance of the said criminal conspiracy Sh. Arvind Narayan Singh sanctioned term loan amounting to Rs. 4,70,00,000/-(Four Crores Seventy Lacs) under Union Rent Scheme in the name of Sh. Sudhir Kumar S/o Late Ram Kumar Sinha, resident of Chitkohra, PS- Gardanibagh, Anisabad, Patna during 2016 without required documents. The said loan of Rs. 4,70,00,000/-(Four Crores Seventy Lacs) was approved by Management Committee/Credit Approval Committee, Regional Office, Patna vide reference No. NROPADV3472015-16 dtd 28.01.2016 on the basis of process note No. TAP/ADV/RENT/2015-16 dtd. 27.01.2016 of Union Bank of India, Main Branch, Patna. The said process note was processed by Sh. Arvind Narayan Singh, the then Branch Manager/Chief Manager and Sh. Kumar Anand, Sr. Manager (Credit), both of them of the Union Bank of India, Main Branch, Patna. It is further alleged that in pursuance of the said criminal conspiracy, a Saving Bank account bearing No. 758202010000254 was opened without Account Opening Form and KYC documents in the name of Sh. Sudhir Kumar and Smt. Kaushalya Devi on 28.01.2016. An amount of Rs. 3,65,00,000/-(Three Crores Sixty Five Lacs) was debited from the sanctioned loan A/c No.

300206580002579 of Sh. Sudhir Kumar and the amount was credited to the saving A/c No. 758202010000254 of Sh. Sudhir Kumar and Smt. Kaushalya Devi maintained at UBI, Ashiana Digha Road, Patna, on 28.01.2016. It is further alleged that on the same day an amount of Rs. 3,64,00,000/-(Three Crores Sixty Four Lacs) was debited to this saving account and credited to the OD Account No. 300205010000163 of M/s Sonall Autos Private Ltd. maintained at UBI Main Branch, Fraser Road, Patna. The transaction/transfer of this amount was carried out on the basis of debit voucher under the signature of Smt. Kaushalya Devi. It is further alleged that M/s. Sonali Autos Pvt. Ltd. is situated at Anisabad, Patna and this firm has the showroom of Mahindra Company therein, Sh. Bidhan Chand Roy, Smt. Kavita Roy and Sh. Abhishek Roy are directors of this firm. The firm M/s. Sonali Autos Pvt. Ltd. is maintaining OD A/c No. 30020501000000163 at Union Bank of India with the overdraft facility of Rs. 43 crores (Forty Three Crores). It is further alleged that the said account of M/s. Sonali Autos Pvt. Ltd was irregular and Sh. AN. Singh, the then Branch Manager in pursuance of the said criminal conspiracy, accommodated this account by transferring the amount of Rs. 3,64,00,000/- (Three Crores Sixty Four Lacs) to this account on 28.01.2016 to maintain the limit of the said OD account below 43 crores (Forty Three Crores) so as to maintain the credit limit in the OD account. It is further alleged that in pursuance of the said criminal conspiracy, an amount of Rs. 60,00,000/-(Sixty lacs) was debited to the loan account 303206380002579 of Sh. Sudhir Kumar and credited to the Account No. 9900078301270 of Mahindra & Mahindra Ltd, maintained at Standard Chartered Bank, MG Road Branch, Mumbai without the signature of either Sh. Sudhir Kumar or Smt Kaushalya Devi of the said debit voucher dated 16.06.2016. It is further alleged that in pursuance of the said criminal conspiracy, the loan was sanctioned to Sh. Sudhir Kumar, however, installment of the loan was being paid by M/s Sonali Autos Pvt. Ltd. by cheques bearing signature of Sh. Abhishek Roy one of the Directors of M/L Sonali Autos Pvt. Ltd. Thus, the aforesaid acts reveal the commission of offence by Sh. Arvind Narayan Singh Branch Manager, Kumar Anand, Sr. Manager(Credit), M/s. Sonali Autos Pvt. Ltd. and its directors namely Sh. Bidhan Chand Roy, Smt. Kavita Roy and Sh. Abhishekh Roy, all of whom entered into criminal conspiracy with one another and others unknown for diverting sanctioned loan amount in the name of Sh. Sudhir Kumar for the corresponding wrongful gains of M/s. Sonali

Autos Pvt. Ltd. and its directors and thereby cheated the customer Sh. Sudhir Kumar and also put the said bank to wrongful loss. Hence, a regular case is registered U/s 120-8, 409, 420 IPC and U/s 13(2) r/w 13(1)) of PC Act, 1988 against Sh. Arvind Narayan Singh, Branch Manager, Sh. Kumar Abhishek, Sr. Manager both of them of Union Bank of India, M/s Sonali Autos Pvt. Ltd. and their directors namely Sh. Bidhan Chand Roy, Smt. Kavita Roy and Sh. Abhishek Roy and others unknown for committing, cheating and misappropriating an amount of Rs. 4,24,00,000/-(Four Crores Twenty Four Lacs) and interest thereon. The investigation of this case is entrusted to Sh. K.K. Singh, DSP/CBI/ACB/Patna.

4. Learned counsel appearing for the petitioner submits that the petitioner has clean antecedent and he has falsely been implicated in the present case. Further submits that the petitioner was the Branch Manager of the Bank in question which sanctioned loan and the amount in question was transferred on authorized to the account of M/s Sonali Auto Pvt. Ltd. without knowledge of Sudhir Kumar. Learned counsel for the petitioner submits that the loan in question was sanctioned to Sudhir Kumar under Union Rent Scheme thereafter a loan account was opened on 28.01.2016 in the name of Sudhir

Kumar to which the 1st installment of sanctioned loan amounting to Rs. 3.64 crores was disbursed . The amount was transferred to Saving Bank Account No.758202010000254 held jointly in the name of Kaushalya Devi and Sudhir Kumar at Digha Branch, Union Bank of India from where an amount of Rs. 3,64,00,000/- (Three Crores Sixty Four Lacs) was transferred on same day to the cash credit account held in the name of SAPL at Patna Main Branch. It appears from the aforesaid, the loan was sanctioned in the name of Sudhir Kumar and petitioner has transferred the aforesaid amount in the bank account of SAPL. Learned counsel for the petitioner submits that although the petitioner had diverted the amount in question in the account of SAPL without signature of the loanee i.e. Sudhir Kumar but it appears that the Bank has received no loss in the aforesaid transaction, apart from that, the SAPL vide letter dated 24.07.2023 have sent a proposal to the Branch Head Office, Union Bank of India for one time settlement of Rs.29,50,00,000/- (Twenty Nine Crores Fifty Lacs) against the said settlement, SAPL has admitted to withdraw each and every cases pending in favious forums. There is no financial loss to the Bank or to the customer Sudhir Kumar and the petitioner has transferred the amount in question in the SAPL on the instruction of Sudhir Kumar and his mother Kaushalya Devi and the co-accused person, namely, Arvind Narayan Singh has been granted privilege of anticipatory bail by a Coordinate Bench of this Hon'ble Court vide order dated 19.04.2024 passed in Cr. Misc. No. 2803 of 2024.

5. Learned senior counsel for the C.B.I. has vehemently opposed the prayer for anticipatory bail of the petitioner and submits that the petitioner was well aware of the fact that the loan amount in question was sanctioned in favour of Sudhir Kumar and without consent of Sudhir Kumar the said amount have been transferred in the account of SAPL without knowledge of Account Holder (Sudhir Kumar)and apart from that, the petitioner also diverted a sum of Rs. 60,00,000/- (Sixty Lacs) from the loan account of Sudhir Kumar by making a demand draft vide No. 31122716 dated 15.05.2016 issued in the name of M/s Mahindra and Mahindra Limited on behalf of SAPL without signature of loanee i.e. Sudhir Kumar and the petitioner being the Credit Incharge, dishonestly continuously allowed the account of SAPL to divert the fund to its own other account giving it opportunity to misuse the fund.

6. Considering the aforesaid facts and petitioner has clean antecedent, 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 (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Magistrate, CBI, Patna in connection with Special Case No.05 of 2023(R.C.-14A/2017), subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure/Section 482(2) of BNSS, 2023 and with other following conditions:-

(I) 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/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be cancelled by the Court below.

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

(III) 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/her 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)

Nitesh/-

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