IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2668 of 2025

Arising Out of PS. Case No.-9 Year-2018 Thana- C.B.I CASE - TR District- Patna

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Nirbhay Puri @ Nirbhay Kumar Puri S/o Biresh Puri R/o Machhagar Jegdish, P.S- Hathua, Dist- Gopalganj

... ... Petitioner/s

Versus

1. The State of Bihar
2. The Central Bureau of Investigation India
3. The D.G.M. (Regional Head) Regional Office Patna, Union Bank of india

... ... Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Ansul, Sr. Advocate
	:	Mr. Anuj Kumar, Advocate
For the State	:	Md. Mushtaque Alam, APP
For the Union Bank of India	:	Mr. Rohit Raj, Advocate
For the C.B.I.	:	Mrs. Nivedita Nirvikar, Sr. Advocate
	:	Mr. Pravin Kumar, Advocate

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA

ORAL ORDER

5 14-02-2025 Heard Mr. Ansul, learned senior counsel for the petitioner, Md. Mushtaque Alam, learned Additional Public Prosecutor for the State, Mr. Rohit Raj, learned counsel for the Union Bank of India as well as Mrs. Nivedita Nirvikar, learned senior counsel appearing on behalf of the Central Bureau of Investigation.

2. The petitioner is apprehending his arrest in connection with Special Case No. 01/2021 arising out of RC093201850009, F.I.R. dated 16.11.2018 for the offences punishable under Sections 420, 467, 468, 471 and 120B of the Indian Penal Code.

3. The prosecution case, in brief, is that a complaint has been received by CBI, EOW, Rachi vide latter/ Ref ZO/PAL/LEGAL/OR/MICS /353/ 2018-2019 dated 16.11.2018 from Shri Pramod Kumar Gupta, DGM, Corporation Bank, zonal officer Patna alleging that Shri Kumar Vibhor, Shri Saurav, Shri Rahul Kumar Mishra, Shri Mithilesh Kumar, Shri Vijay Kumar Yadav and other unknown person entered into a criminal conspiracy among them self and cheated corporation bank, Raja Bazar branch to the tune of the 788.50 Lakhs from 2015-2018 by getting sanctioned and disbursed 43 loans. On the basis of forged and fabricated documents. As of 28.08.2018 Rs 536.25 lakhs was outstanding against 43 accounts. The internal investigation of the bank revealed that 42 borrower units with an aggregate loan amount of Rs 766.50 lakhs were non-existent. It also transpired that the named accused took the signature of the borrows on blank cheque leaves which were used for diverting money. It was also alleged that Vijay Kumar Yadav, partner of M/S Ram Shankar & Associates, C. A firm dishonesty and prepared forged/fake financial statements under the seal of the firm, that were utilized by accused persons. For sanction disbursement of loan from corruption Bank Raja Bazar Patna.

4. Learned senior counsel for the petitioner submits

that petitioner is innocent and he has falsely been implicated in the present case. The petitioner is not named in the FIR, the name of the petitioner has been transpired during the course of investigation, an O.D. load of Rs. 20,00,000/- (Rupees twenty lakh) was sanctioned to M/S Puri Construction whose proprietor was Shri Nirbhay Puri (petitioner) and thereafter an another loan of Rs 18,00,000/- (Rupees eighteen lakhs) was sanctioned to M/S Puri Building Works whose Proprietor was also Shri Nirbhay Puri (petitioner). The then Branch Manager, Raja Bazar has sanctioned both loans to the non-existing firm of petitioner in a single day beyond his delegated powers of lending. Out of Rs. 38,00,000/- (Rupees thirty-eight lakhs) outstanding against the petitioner, Rs. 35,00,000/- (Rupees thirty-five lakhs) have been recovered by selling collateral property and probably around Rs. 3,00,000/- (Rupees three lakhs) is outstanding now and the petitioner is also a victim of fraud played by the co-accused persons and, in the present case, the charge-sheet no.1/21 has been submitted against the petitioner on 01.01.2021 under Section 13(1)(a) of the PC Act and under Section 120(b) read with 420, 468 and 471 of the Indian penal Code. He further submits that there is no material come in course of investigation which suggests that the petitioner directly submitted any balance-sheet to put signature anywhere. The petitioner does not have any authority to certify the balance-sheet and without any fault on his part he has been made accused in the present case. Learned senior counsel for the petitioner has also placed reliance upon the judgment of Hon'ble Apex Court in the case of **Mahdoom Bava Vs. Cental Bureau of Investigation** reported in **2023 SCC Online 299** in which the Hon'ble Apex Court has observed that *"if an accused had not been arrested during the investigation, it is difficult to accept that the custody of an accused at a later stage would be required."* and the co-accused person, namely, Mithilesh Kumar has already been granted the privilege of anticipatory bail by this Court vide order dated 05.03.2024 passed in Cr. Misc. No. 39552 of 2023, co-accused person, namely, Kumar Vibhor @ Vibhor has been granted bail a coordinate Bench of this Court vide order dated 22.06.2023 passed in Cr. Misc. No. 7381 of 2023, co-accused person, namely, Saurabh Kumar has already been granted the privilege of anticipatory bail by a co-ordinate Bench of this Court vide order dated 18.09.2023 passed in Cr. Misc. No. 35004 of 2023, co-accused person, namely, Vijay Kumar Yadav @ Vijay Yadav has already been granted the privilege of anticipatory bail by a co-ordinate Bench of this Court vide order dated 28.08.2023 passed in Cr. Misc. No. 55547 of 2023 and co-accused person, namely, Rahul Kumar Mishra @ Rahul Mishra has already been granted the privilege of anticipatory bail by this Court vide order dated 28.06.2024 passed in Cr. Misc. No. 67630 of 2023.

5. Learned Senior counsel for the Central Bureau of Investigation and learned counsel for the Bank, on the other hand, have vehemently opposed the prayer for anticipatory bail of the petitioner and submits that during course of investigation it has come that the petitioner was also involved in the present crime in question and the aforesaid loan amount was sanction to the firm of the petitioner.

6. Having heard learned counsel for the parties and perused the records and also considered the aforesaid judgment of the Hon’ble Apex Court in the case of Mahdoom Bava (*supra*) case and Rs.35,00,000/-(Rupees thirty five lakhs) have been recovered by selling collateral property and probably around Rs.3,00,000/- (Rupees three lakhs) is outstanding only and other co-accused persons have already been granted the privilege of anticipatory bail by this Court and by the co-ordinate Bench of this Court, let the petitioner, above named, in the event of 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. 50,000/- (Rupees fifty thousand) with two sureties of the like amount each to the satisfaction of the learned Special Judge, CBI-I, Patna in connection with Special Case No. 01/2021 arising out of RC093201850009, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure/Section 482(2) of B.N.S.S. 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 absence on two consecutive dates without sufficient reason, his 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 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)

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