

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.77888 of 2025

Arising Out of PS. Case No.-282 Year-2024 Thana- SHRIKRISHNAPURI District- Patna

Jagdish Prasad Son of Late Gokul Prasad Resident of Block-C, Flat No. 304,
Surya Disha Compound, Digha Ashiana Road, P.S.- Rajeev Nagar, District-
Patna, PIN Code- 800001

... .. Petitioner/s

Versus

1. The State of Bihar
2. Nalin Kumar, Deputy General Manager, Area Head, Bank of Baroda First Floor, Hotel Satkar Premises, Dak Bunglow Chauraha, Frazer Road, Patna - 800001, P.S.- Kotwali, Patna

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 79744 of 2025

Arising Out of PS. Case No.-282 Year-2024 Thana- SHRIKRISHNAPURI District- Patna

1. Soni Patel W/o Ravi Patel R/o - Block C, Flat No. 304, Surya Disha Compound, Digha Ashiana Road, P.S - Rajeev Nagar, District - Patna, Pin - 800001
2. Ravi Patel S/o Jagdish Prasad R/o - Block C, Flat No. 304, Surya Disha Compound, Digha Ashiana Road, P.S - Rajeev Nagar, District - Patna, Pin - 800001

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 77888 of 2025)

For the Petitioner/s : Mr. Rounak Sinha, Advocate

Mr. Aryan Singh, Advocate

For the Opposite Party/s : Mr. Gauri Shankar Gupta, A.P.P.

(In CRIMINAL MISCELLANEOUS No. 79744 of 2025)

For the Petitioner/s : Mr. Rounak Sinha, Advocate

Mr. Aryan Singh, Advocate

For the Bank : Mr. Vivek Prasad, Advocate

For the Opposite Party/s : Mr. Gauri Shankar Gupta, A.P.P.

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

4 04-05-2026

Heard learned counsel for the parties concerned.



2. The petitioners apprehend their arrest in connection with S.K. Puri P.S. case no. 282 of 2024, registered for the offences punishable under Sections 420, 409 and 120(B) of the Indian Penal Code.

3. The prosecution story in brief is that the informant is the Regional head of Bank of Baroda. The petitioner Jagdish Patel is the proprietor of M/s Tirupati Refrigeration. The firm is wholeseller/distributor of Voltas- Tata products in Bihar. The firm got approval of cash credit facilities of Rs.300 lakhs (3 crores) on 16.10.2023. On various dates, officials of Branch made inspections and found sufficient stock in the godown. On 29.11.2023 the firm was audited and nothing adverse was found. When on 04.04.2024, the Branch officials inspected the godown, they found minimum stock and no inventory in the godown. Delay was found in payment of installment within 5 months of approval of loans. Since interest was not paid and turnover was not sufficient, the credit facilities was converted into NPA on 14.06.2024. The proprietor, Jagdish Prasad along with the two guarantors, namely Soni Patel and Ravi Patel, have defalcated the loan amount in conspiracy with each other.

4. Learned counsel for the petitioners submits that the petitioners have been falsely implicated in this case as the



present case is of civil nature and it relates to a failed business run by the proprietor, Jagdish Prasad. The other two co-accused are guarantors. He further submits that this is a case of loan default, hence Debt Recovery Tribunal (DRT) is it's appropriate forum. The present FIR is not maintainable as the respondent bank has already proceeded by filing case no. OA/411/2024, before the DRT, Patna.

5. Learned counsel further submits that the other two co-accused are guarantors and merely for the said reason they have been roped into this case.

6. On the other hand learned counsel appearing on behalf of informant Bank as well as learned APP for the state vehemently opposed the prayer of Anticipatory bail and submits that the petitioners have embezzled the sanctioned loan amount in calculative manner within five months from the date of loan approval and have defrauded a huge amount of the Bank. The petitioners have committed a serious offence and proper investigation is required to be done in the present case. Therefore, custodial interrogation may be required.

7. I have heard learned counsel for the parties and gone through the material available on record.

8. From perusal of the FIR, it appears that within 5



months of the disbursement of the sanctioned loan amount the petitioner defaulted in the payment of the interest and installments to the bank. The bank officials inspected the stocks on 04.04.2024 and found that all the stocks were removed without any invoice. The petitioner has not brought any invoice, GST bills, vouchers on record. Prima facie, it appears that petitioner had intention to defraud the bank from very inception and orchestrated it by asset stripping.

9. Considering the gravity of offence and nature of allegation and the fact that the petitioner is proprietor and borrower of the firm and having one criminal antecedent of similar nature, I am not inclined to grant anticipatory bail to Jagdish Prasad (petitioner in Cr.Misc.77888 of 2025).

10. This bail application is, accordingly, rejected with respect to Jagdish Prasad.

11. In so far petitioner no. 1 and 2 in Cr. Misc. No. 79744 of 2025, namely, Soni Patel and Ravi Patel are concerned, they are guarantors to the loan disbursed, I am inclined to grant privilege of anticipatory bail to petitioners, namely, Soni Patel and Ravi Patel.

12. This bail application is, accordingly, allowed with respect to petitioner no. 1 and 2 in Cr. Misc. No. 79744 of



2025, namely, Soni Patel and Ravi Patel only.

13. Let the petitioners, namely, Soni Patel and Ravi Patel, in the event of their arrest or surrender before the Court below within four weeks, 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 Sub Divisional Judicial Magistrate, Patna, in connection with S.K. Puri Police Station Case No. 282 of 2024, subject to the condition laid down under Section 482 (2) of the Bharatiya Nagarik Suraksha Sanhita.

(Anil Kumar Sinha, J)

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