

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.38701 of 2013

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Rohit Kumar, son of Sh. Dinesh Prasad Singh, resident of Mohalla-Sarishtabad, Rajputana, Police Station- Gardanibagh, District- Patna.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Manoj Kumar

For the Opposite Party/s : APP

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CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN
ORAL ORDER

2 24-12-2013

Heard Mr. Manoj Kumar, learned counsel appearing

on behalf of the petitioner and learned counsel for the State.

The petitioner apprehends his arrest in connection with Sachivalay P.S. Case No.110 of 2012 for the offences punishable under sections 406, 420, 467, 468 and 120B of the Indian Penal Code.

The admitted position is that the petitioner is a loanee from the State Bank of India having secured loan for purchase of a house owned by accused no.1 Kunwar Singh. Admittedly the money was disbursed in favour of Kunwar Singh, the vendor. It is alleged that after making some payments the petitioner who is accused no.2 stopped making payment either of the principal amount or the interest amount nor has deposited the sale-deed. It is in the circumstances that the complaint case was filed which has been registered under section 156(3) of the Code of Criminal

Procedure giving rise to the present case.

Learned counsel for the petitioner has filed an affidavit today enclosing an order passed in the case of Kunwar Singh who has been granted bail by the court below.

Apart from the fact that the case of Kunwar Singh is distinct from the petitioner's case, an order passed by the court below does not bind this Court.

This application is dismissed.

The petitioner, if so advised, may surrender and pray for regular bail and which shall be considered by the court below on its own merit without being prejudiced by this order.

(Jyoti Saran, J)

SKPathak/-