

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.45881 of 2014

Arising Out of PS.Case No. -179 Year- 2012 Thana -SAMASTIPUR COMPLAINT CASE District-
SAMASTIPUR

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Rakesh Kumar S/o Sri Suryamani Upasak, Resident of Village - Kalampur,
P.S. - Lalganj, District - Vaishali.

.... Petitioner

Versus

1. The State of Bihar.
2. Shek Hussain, S/o Shek wasa @ Wala Saheb, R/o- House No.296,
Indranagar Colony, P.S.Krugur, District Guntur, Andhra Pradesh, At
Present R/o- Share Microfin Company Ltd., C/o- Ajit Kumar Singh,
Thana Road, P.S. Dalsinghsarai, District- Samastipur-O.Ps.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Satya Prakash Sinha, Adv.
For the Opposite Party/s : Mr. Mithilesh Kumar Gupta, Adv.
Mr. Anil Kumar(App)

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CORAM: HONOURABLE THE CHIEF JUSTICE
ORAL ORDER

4 30-07-2015 The petitioner worked as an employee with

M/s. Share Microfinance Limited, with the head office at

Hyderabad. A complaint was filed against the petitioner

alleging that he sanctioned loan of Rs.43,51,458/- on the

basis of forged documents. Based upon that,

Dalsingsarai P.S. Case No.152/11 was registered for the

offence punishable under Sections- 406, 419, 420, 467

and 468 of I.P.C. Apprehending his arrest, the petitioner

filed A.B.P. No.3061 OF 2014 in the court of learned

Sessions Judge, Samastipur. One of the grounds raised

by him was that the police investigated into the matter

and submitted a final report stating that no case is made out and still the Chief Judicial Magistrate has taken cognizance. The same was dismissed on 15.9.2014. Hence, this application for anticipatory bail under Section-438 of Cr.P.C.

Heard learned counsel for the petitioner and learned counsel for the State.

It is, no doubt, true that a serious allegation was made against the petitioner alleging that he sanctioned loans worth Rs.43,51,458/- on the basis of forged documents. The fact, however, remains that the police that investigated into the matter did not find truth in it. Though the trial court has differed with the final report, the petitioner can be punished only if the allegation against him is proved. Under these circumstances, it is not necessary that he must be arrested.

Petition is allowed.

In the event of arrest or surrender, let the petitioner named above be enlarged on anticipatory bail upon furnishing the bail-bonds of Rs.10,000/- (ten thousand) along with two sureties of the like amount each to the satisfaction of learned A.C.J.M., Dalsingsarai

in T.R. No.1374 of 2014 in Protest-cum- Complaint Case
No.179 of 2012, subject to the conditions laid down
under Section-438(2) of Cr.P.C.

(L. Narasimha Reddy,CJ)

K.C.jha/-

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