

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.18278 of 2015

Arising Out of PS.Case No. -1300 Year- 2011 Thana -KHAGARIA COMPALINT CASE District-
KHAGARIA

=====

Md. Salim @ Md. Salimuddin S/o Late Md. Sahabuddin, dealer
of Prince Automobiles at P.W. High School, M.G. Marg,
Khagaria, resident of mohalla Jai Prakash Nagar, Ward No. 22,
P.S. and District- Khagria

.... Petitioner

Versus

1. The State of Bihar
2. Raghuvir Malakar, S/O Khalthu Malkar, resident of
Mathurapur, Bhagat Tola, P.S. and District Khagaria

.... Opposite Party

=====

CORAM: HONOURABLE MR. JUSTICE NAVANITI PRASAD SINGH
ORAL ORDER

2 11-06-2015 Heard learned counsels for the petitioner,

informant and State.

The petitioner apprehends his arrest in
relation to Complaint Case No. 1300C/2011 instituted for
the offences under Sections 420, 467, 468, 471, 120(B) of
the Indian Penal Code.

Petitioner is the dealer of three wheelers
and carries business in the name of Prince Automobiles at
Khagaria. It appears that an application was made by the
informant for the grant of loan from the Bank of India,
Khagaria Branch, to purchase a three wheeler (Auto



Rickshaw). He was sanctioned loan. As per the loan agreement, petitioner was directed to deposit certain margin money which he did. He was then delivered the Auto Rickshaw by the petitioner and a receipt for Rs. 1,55,000/- was also given in consideration thereof. The informant further alleges that in fact a loan of Rs. 1,55,000/- was sanctioned and informant was made to deposit Rs. 50,000/- as margin money. The Bank Manager wrongly credited this Rs. 50,000/- in some other account and did not give the credit towards the loan account. He is not being given the account statement nor being disclosed as to what happen to his money.

Learned counsel for the petitioner submits that even when all these allegations are taken to be correct, the allegations are directly and primarily against the Bank Manager and the petitioner has nothing to do with it. He received payment of Rs. 1,55,000/-. He granted receipt to the informant and delivered him Auto Rickshaw. What happened in the Bank is look out of the informant and the Bank Manager.

Be that as it may, in the event of his arrest/surrender before the court below within four

weeks, let the petitioner, namely, Md. Salim @ Md. Salimuddin, be enlarged on bail on furnishing bail bonds of Rs. 10,000/- (ten thousand only) with two sureties of the like amount each to the satisfaction of Shri Anjani Kumar Gond, Judicial Magistrate, 1st Class, Khagaria, in connection with Complaint Case No. 1300-C of 2011, subject to conditions laid down under Section 438 (2) of the Code of Criminal Procedure.

Rajeev/-

(Navaniti Prasad Singh, J.)

U		T	
---	--	---	--