

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.38421 of 2015

Arising Out of PS.Case No. -13 Year- 2012 Thana -RASULPUR District- SARAN

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1. Sanjay Kumar Shrivastav S/o late Sukhdeo Prasad R/o Village Pandey
Chapra P.s Rasalpur, District Saran.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Awadhesh Kumar Singh

For the Opposite Party/s : Mr. Dilip Kumar (App)

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 21-09-2015 Heard Sri. Awadhesh Kumar Singh, learned counsel
for the petitioner and learned A.P.P. for the State.

The petitioner apprehends his arrest in connection with
Rasalpur P.S. Case No. 13 of 2012 registered for the offences
punishable under Sections 419, 420, 467, 468, 406 and 120-B of
the Indian Penal Code.

The prosecution case is that the informant, a Branch
Manager of Uttar Bihar Kshetria Gramin Bank, Rasulpur Chatti
(Saran) Branch to whom, one Satya Ranjan Sinha asked an
information under R.T.I. Act regarding tractors loan Account of
Rajesh Bharti and Tarkeshwar Singh and on inquiry it has been
transpired that Ex-branch Manager of the said bank and six others
being in collusion with each other and showing loan have



misappropriated the loan amount in the name of Tarkeshwar Singh worth Rs. 4,03,750.00 showing guarantor as Shashi Bhushan Bharti and Deo Kumar Yadav. Likewise in the name of Rajesh Bharti the same money has been sanctioned and Tarkeshwar Singh and Gautam Yadav have been shown guarantor. In both the loan amounts the quotation from Trishul Enterprises and Sai Enterprises Tractor challan is attached and both the loans have been shown transferred to the account of Sanjay Kumar Srivastava and there is no any paper as Registration, Insurance policy in the file which is against law and so the informant suspected that in collusion with each other they have misappropriated the amount of loan.

It has been submitted by the learned counsel for the petitioner that the sale letter, Challan, registration paper and policy papers were handed over to the Bank after purchase of tractor and the loan amount has been sanctioned by the then Branch Manager Subroto Ghosh, who has been granted anticipatory bail by a coordinate Bench of this Court in Criminal Misc. No. 38741 of 2013. It is further been submitted that petitioner has closed down his agency Trishul Enterprises and the loan amount is said to have been taken in the year 2008 and the present F.I.R. has been lodged on 13.02.2012 and as such the

amount transferred in his account does not pertain to the same tractor loan.

Under such circumstances, let the petitioner namely Sanjay Kumar Srivastava in the event of his arrest or surrender within a period of four weeks from today before the court below, be released 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 learned Judicial Magistrate, 1st class, Saran at Chapra in connection with Rasalpur P.S. Case No. 13 of 2012, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Nilu Agrawal, J)

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