

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.25644 of 2016

Arising Out of PS.Case No. -523 Year- 2013 Thana -SAMASTIPUR COMPLAINT CASE District-
SAMASTIPUR

- =====
1. Amaresh Kumar @ Amaresh Roy.
 2. Arun Roy. Both are sons of Shyam Lal Roy.
 3. Shyam Lal Roy, Son of Late Jannu Lal Roy. All are Resident of village:- Aalampur Simri, P.S.:- Vidyapati Nagar, District:- Samastipur.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Vinay Kumar, son of Rajeshwar Roy, Resident of Village- Aalampur, Simri, P.S.:- Vidyapati Nagar, District- Samastipur.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Dilip Kumar Roy
For the Opposite Party/s : Mr. Sri Mukesh Kumar Singh

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 29-06-2016

Petitioners are apprehending their arrest in a complaint case wherein processes were directed to be issued after cognizance being taken for the offences punishable under Sections 406, 420, 506 of the Indian Penal Code and Section 27 of the Arms Act.

The prosecution case is that the petitioner No. 1 persuaded the complainant to open an account in the Bihar Gramin Bank at Garhsisai Branch. The complainant suggested that he has no land then petitioner No.1 got the document with regard to the land in Vidyapati Nagar prepared and on the basis of said document a loan of Rs. 70,000/- was sanctioned. It is alleged that petitioner No.1 took signature of the complainant on the withdrawal form and subsequently

withdrew the loan amount. The petitioner Nos. 2 and 3 are brother and father of petitioner No. 1.

It is submitted by learned counsel for the petitioners that this is not in dispute that the withdrawal form bears the signature of the complainant and thereafter money was withdrawn. Hence, the complainant, in order to save his own skin has lodged the present case. It is further submitted that the bank has not disputed that withdrawal has not been made by the complainant.

A statement has been made in para 3 of the petition that petitioners have no criminal antecedent.

Considering the aforesaid facts, let the petitioners, above named, in the event of their arrest or surrender before the Court below within a period of 12 weeks from today, be released on anticipatory bail on furnishing bail bond of Rs. 10,000/-(ten thousand) each with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate, Dalsingsarai, Samastipur in connection with C.R. No. 523 of 2013, T.R. No. 325 of 2014/121 of 2015, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Dinesh Kumar Singh, J)

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