

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.585 of 2017

Arising Out of PS.Case No. -431 Year- 2011 Thana -KOTWALI District- PATNA

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Shivji Yadav, son of Late Bhukhal Yadav, resident of House no. 127,
Balmichak, behind Ram Lakhan Singh Yadav College, Phulwari Sharif,
P.S. Phulwari Sharif, Town and District- Patna.

.... Petitioner

Versus

1. The State of Bihar
2. Vinita Sinha, Chief Manager, Patna Main Branch, Bank of Baroda,
Patna.

.... Opposite Parties

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Appearance :

For the Petitioner/s : Mr. Poddar Suresh Gandhi

For the Opposite Party/s : Smt. Rita Verma

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

3 29-03-2017 Heard learned counsel for the petitioner and learned
counsel appearing on behalf of the State.

The petitioner is apprehending his arrest in connection
with Kotwali P.S. Case No. 431 of 2011, G.R. No. 4081 of 2011
for the offences instituted under Sections 420 and 406 of the
Indian Penal Code.

A notice was issued to the O.P. no.2 vide order dated
13.01.2017. The office note indicates that the notice has been
served upon the Opposite Party No.2 but none has appeared on
behalf of the Opposite Party no.2.

The allegation against the petitioner is that he has
committed fraud in bank loan by depositing fake sale deed of
property for the purpose of availing bank loan. The amount



involved Rs. 16.24 lacs.

It has been submitted on behalf of the petitioner that the petitioner has got no criminal antecedent. There is no allegation of tampering of witnesses alleged against the petitioner. The petitioner has falsely been implicated in the present case. The petitioner had taken a loan from the Bank of Baroda in connection with his business. Due to non-recovery of the outstanding loan, a criminal case was instituted, where the petitioner was made an accused. A supplementary affidavit has been filed. From perusal of the Annexure-1, it is evident that loan amount has already been settled by D.R.T., Patna.

Considering the aforesaid facts and circumstances, let the petitioner above named be released on anticipatory bail in the event of his arrest or surrender before the learned court below within a period of six weeks from today in connection with Kotwali P.S. Case No. 431 of 2011, G.R. No. 4081 of 2011 on furnishing bail bond of Rs. 10,000/-(Ten Thousand) with two sureties of the like amount each to the satisfaction of learned C.J.M., Patna, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Sudhir Singh, J.)

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