

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.45803 of 2017

Arising Out of PS.Case No. -204 Year- 2016 Thana -MADHUBAN District-
EASTCHAMPARAN(MOTIHARI)

=====

Indrajeet Ram, Son of Late Bipat Ram, R/o Hardiya Chowk, Narkatiyaganj,
P.S.- Shikarpur, District- West Champaran.

.... Petitioner/s

Versus

1. The State of Bihar
2. Saral Kumar Singh, s/o Mankeshwar Singh, r/o vill Banki dikam, P.S.
Madhuban, Post Gulbara Madhuban, Distt. East Champaran.

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Sanjeev Kumar Shrivastava, Adv.

For the Opposite Party/s : Mr. Asharaf Ansari, A.P.P.

=====

CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA

ORAL ORDER

3 01-12-2017 Heard learned counsel for the petitioner and the State.

The petitioner apprehends his arrest in **Madhuban P.S. Case No. 204 of 2016** instituted for the offence under Sections 409, 420, 467, 468 and 471 of the Indian Penal Code.

It is alleged in the written report that informant applied for loan for establishment of small Dairy and after enquiry the bank sanctioned loan amount of Rs.3,96,000/- . The informant has alleged that he has invested margin money of Rs.1,04,000/- from his own pocket for expenditure of Nad, Khuta, shade etc. He also invested Rs.50,000/- from fix deposit from his own pocket. It is further alleged that pass book was not handed over to the informant. The bank kept several plain form and money withdrawal form with signature of the informant. After



sanctioning the loan amount, the informant visited the Branch for purchasing cow. In the meanwhile, this petitioner who was the Branch Manager was transferred on 27.3.2013. The informant received Demand Notice from Bank on 6.11.2014 by which cattle photograph was demanded by the Branch Manager. The informant found that loan account has been operated. Out of sanctioned loan amount of Rs.3,96,000/-, Rs. 2,62,212/- has been withdrawn. The Demand notice was sent to the informant for dues amount of Rs.2,62,212/- along with interest.

Learned counsel for the petitioner has submitted that after sanctioning of the loan, the amount was paid to the informant in two installments on 25.10.2012 and 31.10.2012 which would be evident from Annexure-4. Thereafter, he also submitted necessary receipts in the Bank vide Annexure-5 series about purchasing of cow and also other documents including the medical checkup of the cow and insurance of the cow from Bajaj Alliance vide Annexures 6 series and Annexure-7. It has further been submitted that this Criminal case has been filed by the informant after receipt of demand notice to repay the loan amount which was sanctioned to the informant by the petitioner. The petitioner was Branch Manager. He had sanctioned loan amount and the same was paid to the informant. The informant also purchased cow from that



money, but the loan amount became due, thereafter, demand notice was sent to the informant.

In such circumstances,, prayer for anticipatory bail of the petitioner is allowed. In the event of surrender/arrest of the petitioner, named above, within six weeks from today, in connection with **Madhuban P.S. Case No. 204 of 2016**, he shall be released on anticipatory bail on furnishing bail bond of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned **Chief Judicial Magistrate, Bettiah, East Champaran,Motihari**, subject to the conditions as laid down under Section 438 (2) Cr. P.C. with further conditions (1) bailors should be local having sufficient immovable property within the jurisdiction of the court concerned, (2) petitioner shall cooperate in the trial and shall be present on each and every date fixed by the court and absence on two consecutive dates without proper and reasonable reason will automatically cancel bail bond of the petitioner and (3) if petitioner tampers with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioner.

(Sanjay Priya, J)

S.Ali/-

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

