

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.35201 of 2017

Arising Out of PS.Case No. -53 Year- 2017 Thana -JANTA BAZAR District- SARAN

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Sri Ram Chaudhary, Son of Rajendra Chaudhary, Resident of Village-
Panditpur, P.S. Janta Bazar, District- Saran, Chapra.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Branch Manager, Punjab National Bank, Janta Bazar, Saran, Distt.-
Saran.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Mukesh Kumar Singh, Advocate.

Counsel for the opposite party No. 2: Mr. Kumar Priya Ranjan (PNB)

For the State : Mr. Satyadev Prasad Singh Yadav, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

3 03-10-2017 Heard learned counsel for the petitioner and the State.

The petitioner apprehends his arrest in Janta Bazar

P.S. Case No. 53 of 2017 instituted for the offence under Sections
420, 409, 504 and 506 of the Indian Penal Code.

It has been submitted on behalf of the petitioner that
no cash amount was ever given to him. The petitioner has filed a
complaint case against the informant vide Complaint Case No.
1025 of 2017 making allegation against the informant for usurping
the C.C. limit of sanctioned amount due to which the petitioner
could not start business. Thereafter, news was published in hindi
newspaper (*Prabhat Khabar*) on 5.4.2017. As retaliation, the
instant case has been filed by the informant against the petitioner.



As per written report, the loan was sanctioned on 3.3.2016 and the instant case has been filed on 6.4.2017.

Learned counsel for the petitioner has submitted that there is provision in law for recovery of the loan amount if the loan amount is not paid. In the instant case, the fact is that no cash amount was paid to the petitioner rather the amount was given by the informant himself to different vendors and for non-supply of articles, the petitioner has filed Complaint Case No. 1025 of 2017 against the informant and, thereafter, the instant case has been filed by the informant just to harass the petitioner. It has further been submitted that the informant is in habit of doing such activity for which several cases have been filed by the customers as mentioned in paragraph-8 of the bail petition.

Considering the facts and circumstances of the case, 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 Janta Bazar P.S. Case No. 53 of 2017, 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 Additional Chief Judicial Magistrate-I, Saran, Chapra, 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)

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