

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.5477 of 2018

Arising Out of PS.Case No. -794 Year- 2015 Thana -SASARAM NAGAR District- SASARAM
(ROHTAS)

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Narsingh Yadav, aged about 40 years, son of Sheomurat Singh Yadav @
Shivmukh Yadav, Resident of Village- Daliya, Ward No.- 34, P.O.+ P.S.-
Sasaram, District- Rohtas.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Man Singh Yadav, son of Late Vishwanath Singh, Resident of Village-
Savrudih, P.O.- Khanaithi, P.S.- Sonhan, District- Kaimur (Bhabhua),
presently residing at village- Daliya, Ward No.-34, P.O.+ P.S.- Sasaram,
District- Rohtas.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ashok Kumar Choudhary, Advocate
: Mr. Akshanesh Ankit, Advocate
For the State : Mr. Binod Kumar, APP
For the Informant : Mr. Kunal Tiwary, Advocate

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**CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR
SINGH**
ORAL ORDER

2 02-02-2018 Heard learned counsel for the petitioner and learned
counsel for the informant.

The petitioner seeks pre-arrest bail in connection with
Sasaram Town P.S. Case No.794 of 2015 registered under
Sections 420 and 406 of the Indian Penal Code as well as Section
138 of the Negotiable Instruments Act.

It is submitted by Mr. Ashok Kumar Choudhary,



learned counsel for the petitioner that the petitioner is not guilty of committing any crime and has been falsely implicated in the present case at the instance of the complainant who had initially filed a complaint, which was referred to the police under Section 156(3) of the Code of Criminal Procedure (for short 'the Cr.P.C.') for investigation pursuant to which the first information report has been instituted. He submitted that the land in question was sold to the petitioner by way of registered sale deed on 07.08.2013 itself and the same has also been mutated in the name of the petitioner. The sale deed clearly and unambiguously record that any loan taken on the said land will be sole responsibility of the petitioner. The petitioner has already made re-payment of rupees eighty eight lacs against the said loan. As a matter of fact, Shashikant Yadav was employed as Manager of the petitioner to look after the business in Delhi. The petitioner handed over blank cheques to him in due course of business. However, he committed forgery and misappropriated huge amount of money and took away blank cheques of the petitioner for which Sasaram Town P.S. Case No.669 of 2015 was instituted on 08.04.2015. The petitioner also filed an FIR bearing Gurgaon Sector 10 P.S. Case No.415 of 2015 dated 12.06.2015 under Section 408 of the Indian Penal Code against Shashikant Yadav. He submitted that in the complaint the



complainant has concealed these facts as also the fact about the sale deed executed in favour of the petitioner.

On the other hand, learned counsel for the complainant submitted that the petitioner had assured the complainant that he would get loan sanctioned on the land of the complainant for the purpose of opening Banquet Hall. The petitioner being brother-in-law of the complainant's brother and on account of assurance given by him, he agreed on the offer made by the petitioner and do the needful for the purpose of getting loan and accordingly the petitioner manage loan amount of rupees one crore seventy five lacs from the Punjab National Bank in complainant's name. The petitioner requested the complainant to issue blank cheques so that the petitioner could start construction work and on account of trust and faith in the petitioner, the complainant issued blank cheque for the purpose of withdrawal of loan amount.

Be that as it may, regard being had to the nature of allegation, in the event of arrest or surrender in the court below within six weeks from today, the petitioner is directed to be released on 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, Rohtas at Sasaram in connection with Sasaram Town P.S. Case No.794 of



2015, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Ashwani Kumar Singh, J)

Md.S./-

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