

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.27221 of 2018

Arising Out of PS.Case No. -437 Year- 2011 Thana -COMPLAINT CASE District- JAMUI

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Suchit Kumar Jha @ Sachit Kumar Jha S/o Shivshankar Jha, R/o Vill.- Bahora, P.O.- Budhia Gola, P.S.- Sarai, District- Purnea at present Branch Manager, S.B.I. Brach Bhawanipur, District- Purnea.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Sanjay Kumar S/o Sri Ramnandan Singh, R/o Vill.- Barabandh, P.S.- Khaira, District- Jamui.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Prakash Mahto

For the Opposite Party/s : Mr. Sri Nawal Kishore Prasad

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL ORDER

02/ 04-05-2018

Heard learned counsel for the petitioner and learned APP for the State.

The petitioner is apprehending arrest in a complaint case, wherein process has been directed to be issued after cognizance being taken for the offence punishable under Section 409 of the Indian Penal Code.

The prosecution case is that the complainant for taking bank loan, in the year 2010, under government subsidy scheme for purchase of tractor and thrasher, transmitted the loan application through registered post 14.12.2009 to co-accused Bharat Lal Sharma, the then Branch Manager, S.B.I,



Gopalpur Branch. Thereafter, the bank asked the complainant to complete the formalities with regard to papers. The complainant transmitted the required documents through registered post, but the loan was not sanctioned since the original papers were not produced. Subsequently also the complainant requested for sanction of the land, but neither the loan was sanctioned nor the documents of the complainant were returned.

It is submitted by learned counsel for the petitioner that the petitioner joined as Branch Manager 17.01.2011 in the bank in question and there is no document of the complainant in custody of the petitioner. The loan is not being sanctioned since the complainant failed to comply the conditions for sanction of the loan. A statement has been made in paragraph 3 of the petition that the petitioner is not having any criminal antecedent.

Learned APP, however, submits that finding, prima facie, case the cognizance has been taken under Section 409 of the Indian Penal Code.

Considering the accusation arising out of a dispute with regard to sanction of loan and the thrust of accusation is against the then Branch Manager, Bharat Lal Sharma, let the above named petitioner be released on anticipatory bail in the



event of arrest or surrender before the learned Court below within a period of twelve weeks from today, on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Jamui in connection with Complaint Case No. 437C of 2011, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Dinesh Kumar Singh, J)

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