

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.44307 of 2018

Arising Out of PS.Case No. -80 Year- 2018 Thana -PIPRAKOTHI District- EASTCHAMPARAN
(MOTIHARI)

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1. Jitendra Prasad Sah, S/o Mahendra Prasad Sah, R/o Vill.- Murdachak,
P.S.- Pipra Kothi, District- East Champaran.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Anil Kumar, Advocate

For the Opposite Party/s : Mr. Binod Kumar 2, APP

For the Informant : Mr. Vijay Shankar Srivastava, Advocate

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

2/ 01-08-2018

Heard learned counsel for the petitioner and learned

APP for the State as well as counsel for the Informant.

Petitioner apprehends his arrest in **Piprakothi P.S.**

Case No.80 of 2018 instituted for the offence under Section(s)
406, 420 Indian Penal Code.

Counsel for the petitioner submits that petitioner is not the employee of the bank. Allegation has been made against the petitioner because he being Block President of JDU has earlier filed Pipra Kothi P.S. Case No.79 of 2018 against Sanjay Yadav, Mukhiyapati including the informant and due to that reason, at the instance of Sanjay Yadav, Mukhiya Pati, instant case has been lodged by the informant.

In the written report, it is alleged that informant has



taken commission of Rs.1,29,000/- along with papers of the land, LPC, rent receipt from the informant with a view to get CC Loan sanctioned of rupees fifteen lac. He also took Rs.37,500/- from the friend of the informant to get CC loan of rupees five lac sanctioned from the bank.

Counsel for the informant has appeared and opposed the prayer for bail. Counsel for the informant submits that the petitioner has prepared a paper for return of the money taken from the informant and his friend. But, in the aforesaid paper, there is mention of transaction between the parties for business and there is no mention of taking any commission as alleged in the written report.

In the facts and circumstances of the case, prayer of the petitioner for grant of anticipatory bail is allowed. In the event of surrender/arrest of the petitioner, named above, within six weeks from today in connection with **Piprakothi P.S. Case No.80 of 2018**, 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 the **Additional Chief Judicial Magistrate-III, 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 his absence on two consecutive dates without proper and reasonable reason will be liable to cancel his bail bond 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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