

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.56542 of 2017

Arising Out of PS.Case No. -2126 Year- 2015 Thana -WEST CHAMPARAN COMPLAINT
District- WESTCHAMPARAN(BETTIAH)

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1. Jay Prakash Mishra, S/o Sri Harendra Mishra, Resident of Village-
Shivrahi Mhtiya, P.S.- Jagdishpur, District- West Champaran.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Shekh Raju S/o Late Shekh Salim, R/o Mansa Tola, P.S.- Bettiah,
Muffasil, District- West Champaran.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Bimlesh Kumar Pandey, Adv.
For the Opposite Party/s : Mr. Rabindra Kumar, APP
For O.P. No. 2 : Mr. Sanjay Kumar-7, Adv.
Mr. Anant Kumar Mishra, Adv.

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

4 12-02-2018

Heard learned counsel for the petitioner and the State.

The petitioner apprehends arrest in connection with Tr. No.
2417 of 2017 arising out of complaint Case No. 2126c/2015 instituted
for the offence under Sections-420, 467, 468 of the Indian Penal Code.

It is alleged in the complaint that complainant took an auto
on loan sanctioned by Canara Bank from Sri. New Durga Enterprises in
which the petitioner is proprietor. The complainant after taking the
delivery of the tempo, is giving regular monthly installments in the
Canara Bank. All of a sudden, complainant received a notice from State
Bank of India, ADB Branch, Bettiah that there is a loan against him.
The complainant has filed the counter affidavit in which he has annexed
the statement of loan account of State Bank of India, ADB branch



Bettiah annexed as annexure-R/9 from which it appears that loan of Rs. 1,50,000/- was sanctioned on 24.07.2013 in the name of the complainant and complainant has also paid installments in the aforesaid account from time to time. The complainant has also enclosed a document as annexure-R/8 with the counter affidavit by which the vehicle of the complainant was seized. Learned counsel for the petitioner has further submitted that petitioner has no concern with the loan account of the complainant as mentioned in R/9 and it is purely a matter between the complainant and the State Bank of India, ADB Branch, Bettiah. The petitioner has handed over the auto to the complainant after the loan sanctioned from Canara Bank, which is an admitted fact.

In such circumstances, prayer for anticipatory bail is allowed and it is ordered that the petitioner named above in the event of his arrest or surrender in the court below within six weeks from the date of receipt/production of copy of this order, shall be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each in connection with Tr. No. 2417 of 2017 arising out of Complaint Case No. 2126C/2015 to the satisfaction of learned Judicial Magistrate, 1st Class, Bettiah, West Champaran subject to condition as laid down u/S 438(2) of the 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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