

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.70220 of 2018

Arising Out of PS. Case No.-211 Year-2017 Thana- NOKHA District- Rohtas

Raj Kumar Sah, Son of Late Ganga Vishnu Sah, Resident of Mohalla- Station Road, P.S.- Nokha, District- Rohtas at Sasaram, Permanent Resident of Village- Amithi, P.S.- Santhauli, District- Rohtas at Sasaram.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rajive Ranjan Singh

For the Opposite Party/s : Mr. Ajay Kumar -2

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 07-12-2018 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner is apprehending arrest in a case registered for the offences punishable under Sections 406 and 420 of the Indian Penal Code.

The prosecution case as per the written report of Rohit Kumar, Branch Manager, Bank of India Branch, Nokha submitted to the S.H.O., Nokha P.S. is to the effect that on 15.12.2012, a term loan of Rs. 1,70,00,000/- and cash credit limit of Rs. 60,00,000/- was granted to Ms. Durga Shakti Agro Pvt. Ltd. The term loan was granted for the purpose of plant, machinery, generator and civil construction. It is also alleged that further load of Rs. 34,00,000/- was granted for purchase



and installation of generator for which a invoice was submitted to the bank by Ms. Maa Durga Shakti Argo Pvt. Ltd., but during the inspection, the said generator was not found and in place of that, another generator was found. It is further alleged against the petitioner that the petitioner, Raj Kumar Sah and his son, Manish Kumar Ranjan being Directors of Ms. Maa Durga Shakti Argo Pvt. Ltd fraudulently got financed that money for the said generator from one Srei Equipment Finance Ltd and misappropriated the loan amount sanctioned by the Bank of India.

It is submitted by learned counsel for the petitioner that the son of the petitioner, Mukesh Kumar Ranjan, who is the main Director of the said company has been granted privilege of anticipatory bail by a co-ordinate Bench of this Court being Cr. Misc. No. 223 of 2018, on submission of proof of deposit of Rs. 5,00,000/- in cash and an undertaking to the effect that the remaining amount of Rs. 29,00,000/- shall be deposited in six equal monthly installment to the bank. A statement has been made in paragraph no.3 of the petition that the petitioner is not having any criminal antecedent.

It is submitted by learned APP for the State that the petitioner is named in the FIR and there is specific accusation



against the petitioner.

Considering the fact that while granting bail to the son of the petitioner, entire loan amount has been taken care of coupled with statement made in paragraph no.3 of the petition that the petitioner is not having any criminal antecedent, 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 12 weeks from today, on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned **CJM, Rohtas at Sasaram** in connection with **Nokha P.S. Case No. 211 of 2017**, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Dinesh Kumar Singh, J)

Deepak/Rahul/-

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