

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.36116 of 2018

Arising Out of PS.Case No. -292 Year- 2016 Thana -NAUTAN District-
WESTCHAMPARAN(BETTIAH)

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1. Sanjay Sah, son of Gorakh Sah, resident of village- Pakariya Tola,
Belwa, Police Station- Jagdishpur, District- West Champaran.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sanjay Kumar No.-7, Advocate

For the Opposite Party/s : Mr. Brajendra Nath Pandey, APP

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

2/ 27-06-2018

Heard learned counsel for the petitioner and learned

APP for the State.

Petitioner apprehends his arrest in **Nautan**
(Jagdishpur) P.S. Case No.292 of 2016 instituted for the
offence under Section(s) 406 and 506 Indian Penal Code.

Counsel for the petitioner submits that earlier bail
petition was withdrawn because the petitioner was released under
the provision of Section 41(2)Cr.P.C. and liberty was given to the
petitioner to file fresh anticipatory bail application in the event of
his apprehension of arrest.

Counsel for the petitioner has further submitted that,
now, non-bailable warrant of arrest has been issued against him.
It has been mentioned in para 8 of the bail petition that petitioner



sold his Scorpio vehicle to the informant for Rs.8,20,000/- out of which he paid Rs.2,30,000/- and for the rest amount the informant has taken loan from Union Bank and in default of repayment of the same by the informant, the Bank took physical possession of the vehicle and the same has been released by the Bank in favour of the petitioner. It is further submitted that the Bank after verifying all the documents produced by the petitioner has released the vehicle in favour of the petitioner, which falsify the allegation of the informant.

Counsel for the petitioner has further submitted that the informant had taken loan of Rs.5,30,000/- and gave six cheques against the outstanding amount, out of which informant returned Rs.1,30,000/- in the Bank Account of the petitioner, but did not return the rest Rs.4,00,000/-. When the petitioner demanded the aforesaid amount from the informant, he refused to return the same. The petitioner then deposited the cheque in the account, but the same has been dishonoured for which petitioner has filed Nautan (Jagdishpur) P.S. Case No.316 of 2016 against the informant.

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 **Nautan (Jagdishpur)**
P.S. Case No.292 of 2016, 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, Bettiah, West
Chamapran, 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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