

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.15856 of 2019

Arising Out of PS. Case No.-560 Year-2018 Thana- BUXAR District- Buxar *

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JAI KUMAR RAI @ JAI RAM RAI Son of Basdeo Rai Resident of Village -
Kritpurs P.S.- Buxar (M), Dist- Buxar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Bachan Jee Ojha

For the Opposite Party/s : Mr.Ram Priya Sharan Singh

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN
ORAL ORDER

2 14-03-2019 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner apprehends his arrest for the offences
alleged under Sections 406,420,467,468, 471, 120(B) IPC
registered in connection with Buxar (T) P.S. Case No. 560 of 2018.

3. It is submitted that the petitioner has been falsely
implicated as he has no concern whatsoever with Shivam Power
(a unit of Shivam Enterprises) of which he has been shown to be
the proprietor. A fake firm has been opened for the purpose of
obtaining Generator loan by co-accused Jitendra Kumar Singh
and guarantor of the loan co-accused Chandan Kumar Singh. The
informant himself is the Manager of Vijaya Bank, Buxar appears
to have granted loan for purchase of Generator without proper
verification about the genuineness of the firm. In any event it is



submitted that co-accused Jitendra Kumar Singh has started repayment of the Generator Loan in instalments and about Rs. 7,00,000/- remains to be paid. It is submitted that the petitioner would take steps to ensure that the loan is repaid by the accused persons within a period of four months.

4. Be that it may, in the event of petitioner's arrest or surrender within four weeks hereof let the above named petitioner be released on provisional anticipatory bail on furnishing bail bond of Rs.10,000/- [ten thousand] with two sureties of like amount each to the satisfaction of learned CJM, Buxar in connection with Buxar (T) P.S. Case No. 560 of 2018 subject to the conditions as laid down under Section 438(2) Cr.P.C. and also subject to the following further conditions:

(i) That one of the bailors shall be a close relative of the petitioner.

(ii) That the petitioner shall not indulge in any similar offence till conclusion of the trial.

(iii) That the petitioner shall co-operate with the investigation, if not already concluded, and make himself available as and when so required and in case of failure, the State shall be at liberty to move for cancellation of bail.

(iv) The petitioner shall remain physically present in Court on each and every date during trial and in the event of failure on



two consecutive dates without sufficient reason, his bail bond shall be liable to be cancelled by the learned Court concerned.

5. The provisional bail shall be confirmed if the entire Generator loan of the bank together with up-to-date interest is paid within four months from today and no due certificate is issued by the Bank in that regard. If the entire loan amount is not paid within the stipulated time, the provisional bail shall automatically stand cancelled.

(Vikash Jain, J)

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