

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20215 of 2019

Arising Out of PS. Case No.-2126 Year-2015 Thana- WEST CHAMPARAN COMPLAINT
District- West Champaran

RAJ KUMAR SAH, aged about 40 years, Male, Son of Shree Dev Sah,
Resident of Village - Chhota Manjhariya, P.S.- Jagdishpur, District - West
Champaran ... Petitioner

Versus

1. THE STATE OF BIHAR
2. Sk. Raju, aged about 54 years, Male, Son of Sk. Salim, Resident of Village -
Mansa Tola, P.S.- Bettiah Muffasil, District - West Champaran
... Opposite Parties

Appearance :

For the Petitioner : Mr. Brij Kishor Mishra, Adv.
For the Opposite Parties : Mr. Rabindra Kumar, aPP

**CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR
MISHRA**

ORAL ORDER

4 01-08-2019 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the state.

The petitioner seeks pre-arrest bail in connection with
Complaint Case No. 2126C of 2015 (Tr. No. 2417 of 2017) for
the offences alleged under Sections 323, 406, 420, 120B, 467,
468, 471 and 465 of the Indian Penal Code.

The accusation is that petitioner, along with Jay
Prakash Mishra and Raj Kumar Sah, used to run New Durga
Traders Agency. The complainant/opposite party no. 2 came in
approach of them who assured to managed the loan for
purchasing a tempo. Accordingly, complainant/opposite party
no. 2, Sheikh Raju, purchased the tempo on taking the loan from
Canara Bank and the installment of the loan was being paid. In



the meantime, complainant/opposite party no. 2 received the notice regarding non-payment of installment of loan from Asian Development Bank, Bettiah, while complainant/opposite party no. 2 has not taken the loan, perhaps, the petitioner and other accused managed to take the loan in the name of complainant/opposite party no. 2.

Learned counsel appearing for the petitioner submits that in fact on approach of complainant/opposite party no. 2 with the help of the petitioner and other accused loan was granted to the complainant/opposite party no. 2 from Canara Bank to purchase the tempo and the petitioner had no concern in the loan taken by the complainant/opposite party no. 2 from Asian Development Bank. More over, in Asian Development Bank, the complainant/opposite party no. 2 also paid amount of some installments. However, submission is that similar co-accused, Jay Prakash Mishra, has already been allowed privilege of pre-arrest bail on 12.02.2018 in Cr. Misc. No. 56542 of 2017.

Learned Additional Public Prosecutor for the State opposes the prayer for pre-arrest bail.

Having regard to the facts and circumstances of the case, let the petitioner, above named, in the event of surrender/arrest, within a period of four weeks from today, in



connection with Complaint Case No. 2126C of 2015 (Tr. No. 2417 of 2017) shall be released on pre-arrest bail on furnishing bail bond of Rs.10,000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of the Judicial Magistrate, 1st Class, West Champaran at Bettiah, or the successor Court subject to the conditions as laid down under Section 438(2) Criminal Procedure Code.

(Rajendra Kumar Mishra, J)

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