

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.56827 of 2019

Arising Out of PS. Case No.-20 Year-2017 Thana- BHAGALPUR COMPLAINT CASE
District- Bhagalpur

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1. Vivek Yadav @ Vivek Kumar Yadav, Son of Naresh Resident of Village Manili, P.S. Sultanganj, District- Bhagalpur.
 2. Pramod Singh @ Pramod Kumar Singh Son of Rohin Singh Resident of Village Koryup, P.S.- Asarganj, At present Resident of Village Manili, P.S. Sultanganj, District- Bhagalpur.

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR
2. Varun Mandal Son of Late Govind Mandal Resident of Village Manili Post Hathiyak, P.S. Sultanganj, District- Bhagalpur.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Indeshwari Prasad Mandal
For the Opposite Party/s : Mr.Ashraf Ansari

CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR MISHRA

ORAL ORDER

2 09-09-2019 Heard learned counsel for the petitioners and the learned A.P.P. for the State.

The petitioners apprehend their arrest in connection with Complaint Case No. 20 of 2017, registered under Section 420 of the Indian Penal Code.

The accusation is that petitioners Vivek Yadav, Pramod Singh along with Abhay Singh and Manager of Bank of India came in the village of informant and persuaded him and other villagers, who are members of self-co-operative committee to take loan of Rs. 40,000/- from the Bank for



purchasing the cow without interest, while complainant and other villagers were not ready, but after much persuasion they got signature of complainant and other members of the co-operative committee to provide cow and they also assured to arrange the money. After 20-22 days, unhealthy and overage cows were provided by the petitioners and Abhay Singh, then complainant and others made protest then they assured that after feeder the cows will become healthy, but after passing of two weeks the cows started dying. Thereafter, complainant and other villagers gave application for exemption of payment of loan, but no action was taken.

Learned counsel for the petitioners submits that while the occurrence is said to be happened in the year 2011, but the complaint case was lodged in the year 2017 after more than five years of the occurrence. Further submission is that, in fact, complainant and other villagers had taken loan for purchasing the cow, but the loan amount was not paid by the complainant and others and they also approached the Bank for exemption of said loan, but they have not given any relief by the Bank then they filed the present case. Further submission is that Bank manager had come in the village for making approach to take loan and petitioners being the villagers were



present there. The petitioners have no criminal antecedent.

Having regard to the facts and circumstances of the case, let the above named petitioners, be released on bail, in the event of their arrest or surrender before the learned Court below within a period of four 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 Judicial Magistrate, Bhagalpur in connection with Complaint Case No. 20 of 2017, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

(Rajendra Kumar Mishra, J)

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