

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37239 of 2020

Arising Out of PS. Case No.-187 Year-2019 Thana- GUTHANI District- Siwan

Rajesh Kumar @ Rajesh Prasad Son of Late Gulab Chand Gupta @ Gulab Chand Prasad Gupta Resident of Main Bazar, Guthani, P.O. and P.S. - Guthani, District- Siwan. At present residing at Flat No. 301B, Sri Ram Kunj Apartment, Road NO. 4, Mahesh Nagar, P.S. - P.P. colony, Town, District- Patna.

... .. Petitioner/s

Versus

THE STATE OF BIHAR .

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Dhananjay Kumar Tiwary
For the Opposite Party/s : Mr.A.P.P.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

3 26-10-2021 Heard Sri Dhananjay Kumar Tiwary, learned
counsel for the petitioner and learned counsel for the State.

Petitioner seeks anticipatory bail in Guthani P.S.
Case no. 187 of 2019 dated 18.11.2019 instituted for the
offence punishable under section 409 of the Indian Penal
Code.

Learned counsel for the petitioner at the outset
submits that petitioner is person with clean antecedent and
submits that the informant in the FIR based on written
report in the light of letters dated 16.10.2019, 07.11.2019
and 15.11.2019 issued by the District Cooperative Officer
have alleged that petitioner had taken loan of Rs 4,96,800/-



from the Siwan Central Co-operative Bank Limited but in spite of direction of the District Cooperative Officer, Siwan, accused did not repay the loan amount.

Learned counsel for the petitioner further submits that from bare perusal of the allegation as alleged in the FIR, it would manifest that informant has alleged that petitioner had taken loan of Rs 4,96,800/- from the Siwan Central Co-operative Bank Limited, same has not been returned despite direction of District Cooperative Officer. Learned counsel for the petitioner submits that allegation in the FIR is cryptic and does not disclose any offence under section 409 IPC. He further submits that even if the petitioner had taken loan, mode of recovery is not definitely a criminal offence. Bank has other modes to recover the amount.

Learned APP opposes the prayer for anticipatory bail.

Considering the facts and its totality, in the event of arrest/surrender within ten weeks from today, the petitioner is directed to be released on anticipatory bail on furnishing bail bonds of Rs 10,000/- (ten thousand) each



with two sureties of the like amount each to the satisfaction
of the Chief Judicial Magistrate, Siwan in Guthani P.S. Case
no. 187 of 2019 subject to the condition under section
438(2) Cr.P.C.

(Satyavrat Verma, J)

s.hassan/-

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