

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39635 of 2020

Arising Out of PS. Case No.-436 Year-2019 Thana- MALSALAMI District- Patna

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GOPAL PRASAD @ RANIKANT, Son of lallu Prasad Resident of Village -
Nand Gola, Bari Sangat, P.S.- Mal Salami, Distt.- Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Mirityunjay Kumar

For the Opposite Party/s : Mr. Raj Kishore Singh

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

3 07-07-2021 Heard Mr. Mrityunjay Kumar, the learned

counsel for the petitioner and Mr. Raj Kishore Singh,

learned APP for the State.

The petitioner seeks bail in anticipation of his

arrest in connection with Malsalami P. S. Case No. 436

of 2019, dated 25.11.2019, instituted for the offences

under Sections 406, 420, 467, 468 and 34 of the Indian

Penal Code.

Initially a complaint case was filed which was

sent under Section 156 (3) for institution of a regular

case.

The accusation against the petitioner is of



having goaded the informant in obtaining loan of Rs. 7,00,000/- from the Bank. It has been stated in the F.I.R. that the petitioner and others took him to the Co-operative Bank and made him sign on some documents and told him that loan has been granted. The informant but was never desirous of taking loan. He had borrowed Rs. 7,000/- only from his employer and was requiring money to return that loan amount. However, taking advantage of his being illiterate, loan was made available to him for ulterior purposes.

It has also been alleged by the informant that by a clever strategy and taking the Bank authorities into collusion the entire amount of loan was withdrawn and distributed amongst the wrongdoers. When the people of the locality confronted the accused persons including the petitioner, the petitioner is said to have executed an agreement that he shall return the loan amount to the Bank. When the petitioner did not keep up his promise of returning the loan amount, the informant approached



him but he was assaulted and abused.

The learned counsel for the petitioner has submitted that in fact the loan was taken by the informant himself after signing the documents and understanding the entire nature of transaction. The petitioner cannot be faulted for the non-repayment of the loan.

However, in the entire bail petition, there is no denial of the allegation that the petitioner had agreed to return the loan amount and had executed an agreement to that effect. The learned counsel for the petitioner has only orally denied that any such agreement was executed by the petitioner.

Considering the nature of accusation against the petitioner and there being no material to dispute the correctness of the accusation against him, the prayer for anticipatory bail is rejected.

The application is dismissed.

The petitioner will be at liberty to surrender



before the court below and seek bail and in that event, the court below shall consider all the facts in its correct perspective and shall pass orders in accordance with law, without being prejudiced by the fact that the present petition on his behalf has not been entertained by this Court.

(Ashutosh Kumar, J)

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