

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.5083 of 2022

Arising Out of PS. Case No.-798 Year-2019 Thana- PATNA COMPLAINT CASE District-
Patna

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VIJAY KUMAR SINHA Son of Late Sukhdeo Prasad Sinha Resident of
Nalband Toli Alamganj Chowki, P.S.- Alamganj, District- Patna at present
Bari Patan Devi Road, P.s.- Alamganj, District- Patna.

... .. Petitioner/s

Versus

The State of Bihar

Deepak Kumar aged about 30 years Son of Sri Chandradeo Sharma, resident
of Hohalla, New Dhelwa (Bye Pan Road) Post- Dhelwa, PS- Ram Krishna
Nagar Dist.- Patna.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s :	Mr. Shashi Shekhar Sharma, Advocate
For the Opposite Party/s :	Mr. Braj Kishore Pd., APP
For the Complainant/s :	Mr. Binod Kumar Sinha, Advocate

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

3 11-10-2022 Heard learned counsel for the petitioner, learned
counsel for the complainant and learned A.P.P. for the State.

The petitioner apprehends his arrest in a case
registered for the offences punishable under Sections 406, 420,
506 of the Indian Penal Code and Section 138 of the N.I. Act.

Learned counsel for the petitioner submits that the
petitioner is a person with clean antecedent and the complainant
alleges that he had friendship with Ranjan Kumar Sinha since
before, further when Rajan Kumar Sinha asked for a loan of Rs.
17,50,000/- and assured to return the same within six months,
the complainant gave him the money in the year 2017 but the



money was not returned, it is next alleged that on 12.07.2018, a bond was executed, in which Rajan had promised to pay the entire amount in three years to which the petitioner and other accused had also signed, it is next alleged that on 03.10.2018 Rajan Kumar gave a cheque of Rs. 1 lakh of HDFC Bank to the complainant, but the said cheque bounced on account of insufficient fund in the account, it is next alleged that complainant thereafter went to the house of the accused persons where he was verbally abused and thrown out by all the accused and was threatened that he would be killed if he again comes asking for money.

Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the present case, it is next submitted that petitioner is own maternal uncle of Rajan Kumar Sinha and he had not taken the loan from the complainant, it is next submitted that the loan was taken in the year 2017 and when Rajan Kumar Sinha was not able to repay the loan thereafter on a plain paper a bond was executed in between the complainant and Rajan Kumar Sinha, on which the petitioner had signed as a witness, it is next submitted that from perusal of the agreement/bond entered in between the complainant and Rajan Kumar Sinha it would manifest that the



same records that, in the event, if Rajan Kumar Sinha is not able to repay the amount within three years then the complainant would be free to take all legal actions against him and at the same time the petitioner will also make endeavour responsibly that Rajan returns the amount to the complainant, the learned counsel thus submits that even from perusal of the aforesaid agreement it does not manifest that the petitioner in any way was a guarantor to the loan.

Learned A.P.P. for the State and learned counsel for the complainant oppose the prayer for anticipatory bail of the petitioner, but are not able to meet the submissions of the learned counsel for the petitioner that petitioner had not taken loan and he was not a guarantor to the loan given by the complainant to Rajan Kumar Sinha, the agreement entered in between Rajan and the complainant is kept on record.

Considering the submissions made by the learned counsel for the petitioner, the petitioner above-named, in the event of his arrest or surrender before the learned trial court within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned trial court where the case



is pending/successor court in connection with Complaint Case
No. 798 of 2019 subject to the conditions as laid down under
Section 438 (2) of the Cr.P.C.

(Satyavrat Verma, J)

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