

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17380 of 2021

Arising Out of PS. Case No.-44 Year-2015 Thana- KAJI MUHAMMADPUR District-
Muzaffarpur

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Sanjay Kumar Nathani @ Sanjay Kumar, an adult male, aged about 56 years,
Son of Late Vishwanath Nathani R/O - Purani Bazar, P.S.- Town, District-
Muzaffarpur (Bihar).

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Saket Tiwary, Adv.
For the State : Mr. A.P.P.

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

2 07-03-2022 Heard Mr. Saket Tiwary, learned Advocate for the

petitioner and learned A.P.P.

The petitioner seeks bail in anticipation of his arrest in
connection with Kazi Mohammadpur P.S. Case No. 44 of 2015
dated 16.01.2015 instituted for the offences under Sections 406,
420, 467, 468, 469, 471 and 120B of the Indian Penal Code.

The petitioner is one of the guarantors of a loan taken
by the main accused person namely Shiveshwar Kumar which
has gone bad.

The loan was taken by aforesaid Shiveshwar Kumar
and his own brother namely Rakesh Kumar and the petitioner
became the guarantors.

Mr. Saket Tiwary learned advocate for the petitioner



has submitted that the petitioner does not have any business relation with Shiveshwar Kumar or his brother Rakesh Kumar but, he had agreed to become a guarantor for the loan only because of his friendship with the father of the aforesaid two brothers.

Learned counsel for the petitioner has also drawn the attention of this Court to the averments made in the F.I.R. itself which indicates that the loanee and one of the guarantors had run away whereas the petitioner responded to the notice by the Bank and had also apprised the Bank of the other assets of the loanee so that it would be easier for the Bank to recover money from the other assets of the loanee/defaulters.

Considering the facts aforesaid submissions on behalf of the petitioner, he is directed to be released on bail, in the event of his arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, on his furnishing bail bonds in the sum of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Muzaffarpur in connection with Kazi Mohammadpur P.S. Case No. 44 of 2015, subject to the conditions as laid down under Section 438(2) Cr.P.C.



However, it is made clear that the petitioner shall be under an obligation to assist the investigating agency in tracking the loanee and his brother who has also stood a guarantor to the loan along with the petitioner. Should the petitioner show any reluctance in participating in the investigation fully or disclosing information known to him, it would be open for the investigator to move necessary application for cancellation of the anticipatory bail of the petitioner.

The petition stands allowed and disposed of with the aforesaid observation.

(Ashutosh Kumar, J)

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