

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22356 of 2021

Arising Out of PS. Case No.-369 Year-2020 Thana- RAJGIR District- Nalanda

SHIVSHANKAR KUMAR @ SHIVSHANKAR SINGH Son of Late
Sudama Singh Resident of Village - Bagenpur, P.S. and District - Nalanda

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Manoj Kumar Singh, Advocate

For the Opposite Party/s : Mr. Yogendra Kumar, APP

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

3 12-01-2022 Heard learned counsel for the petitioner and learned
APP for the State.

Learned counsel for the petitioner is expected to honour his undertaking given in the instant case for depositing the requisite court fee and to remove the defect(s) as pointed out by the office when called upon to do so by the office.

The petitioner is apprehending his arrest in a case registered for the offences punishable under Sections 420, 406, 467, 468, 471, 506 and 504/34 of the Indian Penal Code.

The prosecution case in nutshell is that the informant went to purchase a Tractor from M/S New Maa Tara Agency Biharsharif, and paid Rs. 25,222/- as an advance and he was also said to provide papers such as Aadhar card, PAN card and cheque book of his bank account to Shanker Singh and put a



signature on the loan paper of ICICI Bank and he assured that the informant will be handed over a tractor after sanctioning of loan. After few days, Bank Officer came and informed the informant that your loan has been sanctioned and you will have to deposit installment(s) of the loan from next month, upon which, the informant went to the Tractor Agency and demanded his tractor which was denied by the said agency. The informant inquired from the bank and came to know that he has been sanctioned loan for a tractor bearing Engine No. A40TPAF0002264, Chesis NO. LAF350024041, Registration No. BR 21A 2648.

It is submitted by learned counsel for the petitioner that the petitioner has falsely been implicated in this case and the petitioner is owner of the said Tractor Agency. He further submits that the aforesaid tractor has already been sold to co-accused Anish Kumar on 01.08.2016 for the amount of Rs. 5,00,499 which is under hypothecation of ICICI Bank, as such, the said tractor has never been sold to the informant, as claimed by him. In this connection, Annexure-2 has supported the defence version.

Learned APP appearing for the State has opposed the prayer for anticipatory bail.



In the facts and circumstances of the case, let the petitioner, above named, in the event of his arrest or surrender before the court below within a period of four weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Bihar Sharif, Nalanda in connection with Rajgir P.S. Case No. 369 of 2020 corresponding to G.R. No.5812 of 2020, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Sunil Kumar Panwar, J)

brajesh kumar/-

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