

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53647 of 2021

Arising Out of PS. Case No.-2098 Year-2016 Thana- SIWAN COMPLAINT CASE District-
Siwan

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JALESHWAR SINGH SON OF LATE KALI CHARAN SINGH RESIDENT
OF VILLAGE - SIOUTA BANGRA PS AND P.O- MAHARAJGANJ DIST -
SIWAN

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s :	Mr. Shailendra Kumar Singh, Advocate
For the Opposite Party/s :	Mr. Anand Mohan Prasad Mehta, A.P.P.
	Mr. Kunal Tiwary, Advocate
	Mr. Aniket Singh, Advocate
	Mr. Prabhakar Jha, Advocate

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

6 07-12-2022 Heard learned counsel for the petitioner, learned
counsel for the complainant and learned A.P.P. for the State and
learned counsel appearing for the Bank.

Let the defect(s), if any, be removed within a period
of four weeks.

The petitioner apprehends his arrest in a case
registered for the offences punishable under Sections 420, 468,
418 and 406 of the Indian Penal Code.

Learned counsel for the petitioner submits that
petitioner is a person with clean antecedent.

The complainant alleges that in 2005, he had given
Rs.1,00,000/- to the petitioner who is a tractor agent by selling
his land for purchasing a tractor on loan. Further, on the said



pretext the petitioner made the complainant sign on some documents but alleges that he never received the tractor. It is further alleged that when the complainant enquired about the same from the petitioner he was informed that since the loan which was sought to be mortgaged was devalued, as such, he will not get the loan for purchasing the tractor and returned Rs.9,000/- to the complainant and also informed that his account is seized by the bank and thereafter it is alleged that the complainant after sometime received notice from the bank that a loan amount of Rs.5,00,000/- is due against him.

Learned counsel for the petitioner submits that petitioner has been falsely implicated in the present case. It is further submitted that the complainant had taken loan from the bank for purchasing a tractor and the notice was also issued by the bank to the complainant for not paying the loan amount. It is next submitted that petitioner has no concern either with the bank or the complainant. It is also submitted that petitioner being the tractor agent had merely introduced the complainant with the Bank Manager thereafter he was completely unaware that as to what transpired between the two. Learned counsel further submits that after taking loan, the complainant even repaid some amount.



Learned counsel for the bank submits that it was the complainant who had taken the loan and he has also repaid some amount and when he stopped repaying the amount then the notices were issued to him.

Learned counsel for the complainant opposes the prayer for anticipatory bail of the petitioner and submits that the complainant never received the tractor nor he is aware that how his loan account was opened.

Be that as it may, considering the submissions made by the learned counsel for the petitioner and learned counsel for the bank, the petitioner above-named, in the event of his arrest or surrender before the learned Court below 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 court below where the case is pending/successor court in connection with Trial No. 707 of 2021 arising out of Complaint Case No. 2098 of 2016, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

(Satyavrat Verma, J)

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