

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70084 of 2021

Arising Out of PS. Case No.-85 Year-2021 Thana- PIRBAHOR District- Patna

SAILESH KUMAR @ SHAILESH KUMAR CHANDRAVANSI S/O
SIDHESWAR PRASAD R/o Mohalla - Nandlal Chhpra, Manoharpur
Kachhuara, P.S.- Gopalpur, District- Patna

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Aditya Nath Jha, Advocate

For the Opposite Party/s : Mr. Shahabuddin Azeem @ S. Azeem, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

3 27-07-2022 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

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 406, 420
and 120B of the Indian Penal Code.

Learned counsel for the petitioner submits that
petitioner has antecedent of one case.

The informant alleges that he is a jewellery maker and
Gautam Kumar along with this petitioner and Vicky Kumar
came to his house and asked him to take loan for constructing
his house, thereafter the accused persons took the informant to



the LIC Office, Exhibition Road for having a talk with the Manager, thereafter it is alleged that the Manager demanded paper of land and also obtained signature of the informant on some papers and the bank account of the informant was opened in the same bank where account of Gautam Kumar was existing. It is alleged that after sometime when the informant went to meet the Manager to inquire about the loan, he was informed that the loan has been sanctioned much earlier on which the informant perplexed and asked the Manager where is his loan amount on which the Manager asked him to talk to Gautam Kumar and when the informant contacted him, it is alleged that he was abused and threatened and thus it is alleged that the informant became sanguine that the loan of Rs.17 lakhs has been siphoned off by the accused persons including the petitioner.

Learned counsel for the petitioner submits that petitioner has been falsely implicated in the present case. It is next submitted that as far as this petitioner is concerned, the only allegation against him is that he had also accompanied Gautam Kumar to the house of the informant with Vicky Kumar where Gautam asked the informant to take a loan for construction of his house and thereafter they went to the LIC



Office. It is further submitted that Gautam and the informant were in the same business and, as such, were known to each other, hence, Gautam Kumar has advised him for obtaining the loan. It is next submitted that Gautam Kumar was taken into custody but was granted regular bail by this Court vide order dated 12.05.2022 passed in Cr. Misc. No. 68314 of 2021 on the ground that the loan was disbursed in the account of the informant in three installments and the informant was using his bank account also but he never complained that the loan amount has been siphoned off. It is next submitted that the order dated 12.05.2022 passed in Cr. Misc. No. 68314 of 2021 has recorded the facts of the case in detail. Learned counsel, thus, relying on the said order submits that no doubt Gautam Kumar was granted regular bail and no useful purpose would be served by sending the petitioner to jail when admittedly the informant never complained that the loan amount disbursed in his account was siphoned of despite having operated the account all the time as recorded in the said order dated 12.05.2022.

Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioner.

Considering the submissions made by the learned counsel for the petitioner and relying on the order dated



12.05.2022 passed in Cr. Misc. No. 68314 of 2021, 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 Pirbahore P.S. Case No. 85 of 2021, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

(Satyavrat Verma, J)

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