

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29194 of 2023

Arising Out of PS. Case No.-86 Year-2022 Thana- EAST COLONY District- Munger

ASHOK KUMAR MEHTA Son of Late Bishun Deo Mandal Resident of Gayatri Nagar Daulatpur, Jamalpur, Munger Bihar - 811214 at present resident of railway quarter no.- 23 CD, Club Road East Colony Jamalpur, P.S.- East Colony, Dist.- Munger, Bihar - 811214.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ashok Kumar Choudhary, Advocate

For the Opposite Party/s : Mr. Jai Narain Thakur, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 13-07-2023 Heard learned counsel for the petitioner, learned A.P.P. for the State and learned counsel for the informant.

The petitioner apprehends his arrest in a case registered for the offences punishable under Sections 420, 406, 120(B) and 506/34 of the Indian Penal Code.

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

The informant alleges that on assurance of the petitioner, he gave Rs.1,55,50,000/- (rupees one crore fifty five lakhs and fifty thousand) by way of loan to Manish Kumar who is the elder brother of Gulsan Kumar (son-in-law of the petitioner) for running a tea shop. Further, it is alleged that it was agreed in presence of witnesses that if the money was not returned the mother of Manish Kumar and his family member



will execute the sale deed of their house. It is next alleged that the accused persons refused to return the money when demanded.

Learned counsel for the petitioner submits that petitioner has been falsely implicated in the present case. It is further submitted that petitioner is working as Senior Section Engineer (Electrical) with the Indian Railways and Gulsan Kumar is his son-in-law who is posted as Custom Officer in Bengaluru. It is next submitted that petitioner is also an employee of the Indian Railways and is posted as Technician, a Class-III employee and works under the petitioner. It is also submitted that it absolutely does not stand to reason that how the Technician, a Class-III employee could have loaned Rs.1,55,50,000/- (rupees one crore fifty five lakhs and fifty thousand) to Manish Kumar merely on assurance of the petitioner. It is further submitted that an inquiry be directed to be conducted against the informant that being a Class-III employee how could he have given loan of Rs.1,55,50,000/- (rupees one crore fifty five lakhs and fifty thousand). It is next submitted that from perusal of the allegation as alleged in the FIR, it would manifest that it is not the case of the informant that he gave a penny to the petitioner.



Learned A.P.P. for the State and learned counsel for the informant opposed the prayer for anticipatory bail of the petitioner but are not in a position to rebut the submission of the learned counsel for the petitioner that no amount was given to the petitioner by way of loan.

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 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 East Colony P.S. Case No. 86 of 2022, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

(Satyavrat Verma, J)

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