

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38613 of 2023

Arising Out of PS. Case No.-165 Year-2013 Thana- SASARAM NAGAR District- Rohtas

1. Bhagwan Sharma @ Sri Bhagwan Sharma S/O Sheo Shankar Sharma R/O Vill. And Baraon, Ps. Nokha, Dist. Rohtas
2. Hridyanand Sharma S/O Bhagwan Sharma R/O Vill. And Baraon, Ps. Nokha, Dist. Rohtas

... .. Petitioner/s

Versus

1. The State Of Bihar
2. Chief Manager, Bank Of Baroda, Sasaram, Rohtas Bihar, Rohtas At Sasaram

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shiv Pratap, Advocate
For the Opposite Party/s : Mr. Ramchandra Sahni, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 25-07-2023 Heard learned counsel appearing on behalf of the
petitioners and learned counsel appearing on behalf of the State.

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

3. The petitioners seek bail in connection with
Sasaram Nagar P.S. Case No. 165 of 2013 registered for the
offence under Sections 465, 467, 468, 471, 406, 419 and 420 of
the Indian Penal Code.

4. The accused/petitioners are named in the F.I.R. and
are in custody since 18.03.2023.

5. The allegation against the petitioners is to cheat
informant alongwith other co-accused persons for an



agricultural loan of Rs. 60,000/- (Rupees Sixty Thousand only) on the basis of forged documents of L.I.C. (Life Insurance Corporation).

6. Learned counsel appearing on behalf of the petitioners submitted that the alleged forged documents are not connected in any manner with these petitioners. It is submitted that there is no any requirement of sureties to obtain an agricultural loan. It is submitted that without knowledge of these petitioners, money suit was instituted before the learned Court of Sub-judge-I, Sasaram, which was registered there as Money Suit No. 9/15 for recovery of alleged loan and as such the lodging of present criminal case is an abuse of criminal process. It is submitted that petitioners are under appeal for order passed in Money Suit No. 9/15, which was decided ex-party. It is further submitted that petitioners were also lodged a complaint case bearing Complaint Case No. 857 of 2018 in the Court of learned Chief Judicial Magistrate, Sasaram, Rohtas. While concluding the argument, it has been submitted that petitioners are men of clean antecedent and moreover, investigation of this case is completed, for which charge-sheet has been submitted, as such, there is no chance of tampering with the evidence.

7. Learned APP opposes the prayer of bail.



8. Considering the facts and circumstances as mentioned above as dispute appears, *prima facie*, civil in nature, where money suit has already instituted by informant coupled with the fact that charge-sheet has already submitted, where petitioners are in custody since 18.03.2023, accordingly, both the petitioners, above named, are directed to be released on bail in connection with Sasaram nagar P.S. Case No. 165 of 2013 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand only) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Rohtas at Sasaram/concerned court, subject to the conditions as mentioned under Section 437(3) of the Cr.P.C.

(Chandra Shekhar Jha, J)

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