

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.14804 of 2024

Arising Out of PS. Case No.-505 Year-2022 Thana- MADHAURAH District- Saran

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Guddu Kumar Singh, Son of Prabhu Singh @ Prabhu Nath Singh, Resident of
Village - Khaira, Ward No.15, Khanpur, P.S. - Khaira, District - Saran

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Yugal Kishore, Advocate

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

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CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 14-03-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. In the present case, the petitioner is apprehending his arrest in connection with Marhowrah P.S. Case No.505 of 2022, registered for the alleged offences under Sections 379, 420/34 of the Indian Penal Code.

3. As per prosecution case, the petitioner and other co-accused persons using the documents of the informant procured a loan of Rs.30,000/- without knowledge of the informant for purchase of a mobile phone of Rs.30,000/-. Further allegation against the petitioner is that he runs a mobile shop and sold the mobile in the name of the informant after getting the amount from the finance company.

4. The learned counsel for the petitioner submits that



the petitioner is innocent and has been falsely implicated in this case. From the FIR itself, it is clear that the informant handed over his Aadhar Card, Pan Card, passbook of bank to the co-accused Rahul Kumar Singh for filling up some form. When the loan was sanctioned, the Bajaj Finance Company sent the documents to the shop of the petitioner for delivery of the mobile phone and after getting this slip, the petitioner handed over a mobile phone to a person who carried the slip. The learned counsel further submits that in case any loan is sanctioned, as per the practice, an OTP generated and it is sent on the mobile phone of the person concerned and ignorance of the informant is baffling. The complicity of the informant is evident from the facts of the case and though first installment was deducted in June, 2022, the present case was lodged only on 06.08.2022, i.e., after delay of 39 days for which there is no explanation. The learned counsel further submits that the petitioner has no role either in sanctioning the loan amount and defrauding the informant. The petitioner is having antecedent of one case in which he is on bail.

5. Learned APP vehemently opposes the submission made on behalf of the petitioner.

6. Having regard to the facts and circumstances and



submissions made on behalf of the parties and considering the vague nature of allegation against the petitioner without any substantive material and further considering the possibility of false accusation, let the petitioner, above named, in the event of his arrest or surrender before the court concerned within a period of eight weeks from today, be released on bail, on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Saran at Chapra in connection with Marhowrah P.S. Case No.505 of 2022, subject to conditions mentioned in Section 438(2) of the Cr.P.C. and the following conditions:

- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present on each and every date fixed by the court below, if so required by the learned trial court.

(Arun Kumar Jha, J)

V.K.Pandey/-

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