

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60296 of 2024

Arising Out of PS. Case No.-530 Year-2021 Thana- SIKARPUR District- West Champaran

Rahul Kumar Son of Santosh Kumar Shriwastav @ Santosh Prasad R/O Vill.-
Sisai, Maldi, P.S.- Shikarpur, Dist.- West Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms.Vatsal Verma

For the Opposite Party/s : Mr.Yogendra Kumar

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 31-08-2024 Heard Ms Vatsal Verma, learned Advocate for the

petitioner and learned Additional Public Prosecutor for the

State.

2. This is an application for grant of bail to the
petitioner, who is in custody in connection with Shikarpur P.S.
Case No. 530 of 2021, registered for the offences punishable
under Sections 420, 467, 468, 471 read with section 34 of the
Indian Penal Code.

3. The allegation against the petitioner is of using
PAN card of the informant twice while taking loan for purchase
of two, two-wheeler vehicle. It is further alleged that the
petitioner in connivance with some unknown agency has taken
vehicle loan in the name of some unknown person by making
himself as a guarantor and on account of non-payment of loan,



civil score of the informant has been ruined and he is not getting loan from any Bank leading to lodging of the FIR.

4. Learned Advocate for the petitioner drawing the attention of this Court to Annexure-P/2 and P/2/1 has contended that it is the admitted fact that the petitioner had purchased TVS Apache motorcycle in the year 2015 and secondly in the year 2018 for which he had submitted the relevant documents and after verification, loan was sanctioned. Moreover, the petitioner has already cleared all his dues and paid the loan amount whereupon 'No Objection Certificate' with regard to both the motorcycles have been issued. It is next contended that there was no reason or occasion for the petitioner to submit PAN card of the informant which would not extend any benefit to the petitioner as the petitioner was the person who paid the loan. So far the other allegation of being guarantor in connivance with some unknown agency is concerned, the same is completely incorrect and denied as no specific particulars have been disclosed. Even if the allegation is taken to be true, the same do not constitute any offence in absence of any substantive cogent material showing that the petitioner was intended to cheat the informant. It is lastly contended that be that as it may, the petitioner is a man of fair antecedent and now he has been



incarcerated since 11.06.2024.

5. On the other hand, learned APP for the State opposed the bail application.

6. Regard being had to the submissions made on behalf of the parties and considering the nature of allegation and the fact that there are no dues certificates issued in favour of the petitioner on payment of vehicles loan, coupled with the fact that the petitioner bears fair antecedent and the investigation of the crime is complete, let the petitioner, abovenamed, be released on 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 court of learned Judicial Magistrate, Bettiah, West Champaran in connection with Shikarpur P.S. Case No. 530 of 2021, subject to the condition that one of the bailors shall be the own/close family members of the petitioner with further conditions which are as follows:-

(i) The petitioner will cooperate in conclusion of the trial.

(ii) He will remain present on each and every date of trial till disposal of the case.

(iii) He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.



(iv) In the event of default of two consecutive dates without any cogent reason, his bail bonds will liable to be cancelled.

(v) The court below shall verify the criminal antecedent of the petitioner and in case, at any stage, it is found that the petitioner has concealed his criminal antecedent, the court below shall take immediate step for cancelling the bail bond of the petitioner. However, the acceptance of bail bonds, in terms of the above-mentioned order, shall not be delayed for this purpose or in the name of verification.

(Harish Kumar, J)

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