

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No. 47287 of 2014

Arising Out of PS.Case No. -126 Year- 2013 Thana -SAHARSA District- SAHARSA

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Lalit Narayan Jha son of Sri Mishri Jha Resident of Village - Abhuar, Police Station - Kishanpur, District - Supaul.

At present:- Chairman, Karahia Primary Agriculture Co-operative Society Ltd. Block Kishanpur, District - Supaul.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Anuj Kumar Singh, Loan Manager, The Koshi Central Co-operative Credit Society, Gandhi Path, P.S. - Saharsa, District - Saharsa.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.

For the Opposite Party/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN
AMANULLAH

ORAL ORDER

3 30-04-2015 Heard learned counsel for the petitioner and learned A.P.P. for the State.

The petitioner apprehends arrest in Saharsa Sadar P.S. Case No. 126 of 2013 dated 14.03.2013 instituted under Sections 406/420 of the Indian Penal Code.

The allegation against the petitioner who is accused along with others is that despite taking loan he has not repaid the entire amount.

Learned counsel for the petitioner submits that the informant is the Manager of Koshi Central Co-operative Credit Society Limited and this is a classic example of abuse of the process of the Court where a Government Co-operative Society has lodged an F.I.R. for the recovery of loan amount given to various persons including the petitioner which clearly

is a civil dispute for which the procedure is by filing money suit before the Civil Court of competent jurisdiction or taking action for recovery through the guarantor or the assets which have been mortgaged against the loan. It is submitted that the petitioner has no criminal antecedent. It is further submitted that the petitioner in fact is ready to pay the entire amount provided the correct calculation is given to him.

Learned A.P.P. is not in a position to dispute the fact that the F.I.R. has been lodged purely in order to recover the loan amount.

Considering the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest or surrender before the Court below within six weeks from today, the petitioner be released on bail upon furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Saharsa in Saharsa Sadar P.S. Case No. 126 of 2013, subject to the conditions laid down in Section 438 (2) of the Code of Criminal Procedure, 1973.

As the amount of loan taken by the petitioner is public money, and further as has been the stand of the petitioner himself, he shall appear before the complainant who shall furnish the account to the petitioner. If the petitioner has any dispute, the same shall be reconciled in

presence of both the parties. Thereafter, the petitioner shall repay the loan which shall be scheduled in installements which the petitioner is able to pay.

(Ahsanuddin Amanullah, J.)

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