

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.10937 of 2015

Arising Out of PS.Case No. -659 Year- 2014 Thana -GAYA KOTWALI District- GAYA

1. Rakesh Kumar Son of Mandan Chand, Resident of Village - Punjabi Colony, New Godowan, P.S. Kotwali, District - Gaya.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Asha Kumari

For the Opposite Party/s : Mr. Pushpa Sinha 2 (App)

CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR
SRIVASTAVA
ORAL ORDER

5 25-06-2015

Counter affidavit is filed on behalf of the bank.

Heard learned counsel for the petitioner, learned counsel for the State and learned counsel, appearing for the bank.

The petitioner apprehends his arrest in connection with Gaya Kotwali P.S. Case No. 659 of 2014 registered under Sections-406, 420 of the Indian Penal Code.

The petitioner is said to have taken loan from the concerned bank and mortgaged medicines but allegedly, he sold the mortgaged medicines without taking prior permission of the bank.

Learned counsel, appearing for the petitioner completely denied the allegation, submitting that the petitioner had not taken any loan from the concerned bank and as a matter of fact, the

concerned bank is making claim on the basis of forged and fabricated document.

On the other hand, learned counsel appearing for the bank submits that the loan was sanctioned to the petitioner when he mortgaged medicines but he sold the medicines and closed his shop. It is further contended by him that since medicines had been mortgaged by the petitioner, the bank is not in a position to recover the loan amount from the petitioner.

Considering the aforesaid facts and circumstances of the case as well as submission of the parties, let the petitioner named above, in the event of his arrest or surrender within four weeks from the date of receipt/production of copy of the order in the court below, be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each in connection with Gaya Kotwali P.S. Case No. 659 of 2014 to the satisfaction of Learned Chief Judicial Magistrate, Gaya subject to conditions as laid down u/S 438(2) of the Code of Criminal Procedure.

(Hemant Kumar Srivastava, J)

A.K.V./-

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