

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.9716 of 2016

Arising Out of PS.Case No. -1190 Year- 2014 Thana -JEHANABAD COMPLAINT CASE District-
JEHANABAD

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Sudhir Kumar son of Late Ram Prasad Singh, Resident of Village-
Sheikhpura, P.S.- Rampur Chauram, District- Arwal.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Mosmat Lal Muni Devi W/o Late Ram Parikha Singh, Resident of Vill &
P.O- Sheikhpura, P.S.- Rampur Chauram, Distt.- Arwal.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Pravin Kumar, Advocate
For the Opposite Party/s : Mr. Rajiv Nayan(App)

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**CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN
SHARMA**
ORAL ORDER

2 09-03-2016 Heard learned counsel for the petitioner and learned
A.P.P. representing the State.

The petitioner seeks bail in connection with Complaint
Case No. 1190 of 2014 registered for the offences punishable
under Sections 323, 341, 420, 467, 468, 471 and 504/34 of the
Indian Penal Code.

Allegedly, the petitioner and other co-accused being
common ancestors of the complainant, they took loan from Punjab
National Bank, Mehandia and Belkhara Branch and mortgaged
the Khatiyani and purchased land of the complainant by executing
the mortgage deed with the help of another lady in place of

complainant and in this way, the petitioner and other co-accused after committing forgery and after impersonating the complainant and forging her thumb impression and signature obtained the loan.

Submission is of false implication and that both parties are own agnate, the entire bank amount, the subject matter of the present case has already been repaid to the bank and now no dues is lying to be paid, the mortgaged land was jointly in the name of father of the petitioner as well as husband of the complainant, so far as, loan sanctioned by Punjab National Bank, Belkhara branch is concerned, the land which has been mortgaged, was purchased by grand-father and the father of the petitioner and Rs. 5,00,000/- was sanctioned to Sudhir Kumar and Rs. 5,00,000/- was sanctioned to Randhir Kumar and the loan amount was repaid by both of them, the complainant has not been cheated in any way because his legal right and share over any property cannot be mortgaged or sold by any other person. However, the petitioner is in custody since 03.08.2015 and has been sufficiently penalized.

The learned A.P.P. opposes the prayer of bail by submitting that the petitioner has got criminal antecedent.

In the facts and circumstances stated above, considering the detention of the petitioner, now he is directed to be

released on bail on execution of bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned C.J.M., Jehanabad in connection with Complaint Case No. 1190 of 2014 subject to the conditions that one of the bailors must be near relative and another having sufficient immovable property within the territorial jurisdiction of the court concerned and the petitioner shall remain present on each and every date during trial and the default on two consecutive dates on his part without any reason shall disentitle the petitioner from privilege of bail.

(Jitendra Mohan Sharma, J)

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