

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.14521 of 2016

Arising Out of PS.Case No. -42 Year- 2016 Thana -BUXAR District- BUXAR

- 1. Dinesh Kumar Rai
- 2. Umesh Kumar Rai

Both are sons of Jagarnath Rai, resident of village- Laxmipur Tola, Kritpura, P.S.- Buxar (M), District- Buxar.

.... .... Petitioner/s

Versus

- 1. State of Bihar
- 2. Anand Mohan Raman, son of late Yadubans Narayan Das, Branch Manger, Bank of Baroda, Buxar.

.... .... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. N.K. Agrawal, Sr. Advocate  
Mr. Anil Kumar Roy, Advocate  
For the State : Mr. Nirmala Kumari , A.P.P.  
For the Opposite Party/s : Mr. Vivek Prasad

CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL  
ORAL ORDER

2 28-04-2016 Heard learned counsel for the petitioners, learned A.P.P. for the State and the learned counsel for the Bank of Baroda, Buxar, Opposite Party No.2.

Petitioners apprehend their arrest in connection with Buxar (T) P.S.Case No. 42 of 2016 registered for offence punishable under Sections 467, 468, 471, 472, 419, 420 and 409/34 of the Indian Penal Code.

The prosecution case, as lodged by the informant Anand Mohan Raman, Branch Manager, Bank of Baroda, Buxar before S.H.O., Buxar (Town) P.S. on 06.02.2016 is that petitioners by using forged and fabricated documents, took loan of Rs.

16,35,000/- from the Bank for purchasing of J.C.B. Machine but they did not purchase J.C.B. Machine and large outstanding dues are lying with the petitioners.

It has been submitted by the learned counsel for the petitioners that they are ready to pay the entire outstanding amount of the said Bank but he wants to liquidate in installments.

Learned counsel for the Bank submits that total outstanding amount against the petitioners is about Rs. 12,00,000/- (Rupees twelve lakhs only) and the amount of security deposit of the petitioners with the Bank is about Rs. 3.60 lakhs, which has not yet been appropriated in the loan account.

Learned counsel for the petitioners submits that they are ready to discharge security of Rs. 3.60 lakhs in the loan account and undertakes to deposit Rs. 50,000/- per month beginning from May, 2016 till the remaining outstanding amount is liquidated. However, learned counsel for the petitioners may negotiate with the Bank regarding the interest, so charged.

In view of the undertaking that the security amount of Rs. 3.60 lakhs of the petitioners be discharged and be deposited in the loan account forthwith and Rs. 50,000/- be paid per month beginning from May, 2016 till the entire loan amount is liquidated, let the petitioners, above named, in the event of their arrest or

surrender before the Court below within a period of eight weeks from today, be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten thousand only)each with two sureties of like amount each to the satisfaction of learned Chief Judicial Magistrate, Buxar in connection with Buxar (T) P. S. Case No. 42 of 2016, subject to the conditions as laid down under Section 438 (2) of the Cr. P.C.

**(Nilu Agrawal, J)**

Sudha/-

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