

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.14522 of 2016

Arising Out of PS.Case No. -431 Year- 2015 Thana -BHAGALPUR KOTWALI District-
BHAGALPUR

- =====
1. Devendra Malakar @ Devendra Kumar Malakar, son of Late Bhujangi Malakar
 2. **Smt. Sushila Devi**, W/o Devendra Kumar Malakar
 3. **Digamber Kumar**, son of Devendra Kumar Malakar
- All residents of Jyoti Vihar Colony, Bahadurpur Sabour Road Near
Madhu Gas Godown, P.O.- Bahadurpur/Sabour, District- Bhagalpur

.... Petitioner/s

Versus

1. The State of Bihar
2. The Branch Manager, UCo Bank, Tilka Manjhi Branch, Bhagalpur

.... Opposite Party/s

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Appearance :

For the Petitioner : Mr. Rajeev Kumar, Advocate
For the S t a t e : Mr. Parmeshwar Mehta(APP)
For Opposite Party No.2 : Smt. Sheela Sharma, Advocate

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CORAM: HONOURABLE JUSTICE SMT. ANJANA MISHRA
ORAL ORDER

7 02-09-2016 Heard learned counsel for the petitioners and the

learned counsel appearing on behalf of Opposite Party No.2 as

well as the learned counsel for the State.

Petitioner No.2 Smt. Sushila Devi and Petitioner
No.3 Digamber Kumar, are apprehending their arrest in
connection with Kotwali P.S. Case No.431 of 2015 for
allegedly having committed the offence under Sections 467,
468, 471, 420, 427 and 120B of the Indian Penal Code.

It is submitted by the learned counsel for the opposite
party-Bank that a sum of over Rs.11,00,000/- (Eleven lacs) is

still remaining due with the petitioners. Learned counsel for the petitioners, however, submits that they are contesting the matter before the Debts Recovery Tribunal, Patna (DRT, Patna) and as and when the amount, which is yet to be determined, is fixed, they shall make repayment of loan, at the earliest.

It appears from the affidavit filed by Opposite Party No.2, affidavit by the Senior Manager, Tilkamanjhi Branch, UCo Bank at Bhagalpur, that, in fact, a demand draft of Rs.2.5 lacs has been deposited before the Recovery Officer, DRT, Patna.

In view of the *bona fide* action towards returning the amounts due to the Bank by the petitioners and also because the matter seems to have been pursued at the DRT, let Petitioner No.2 Smt. Sushila Devi and Petitioner No.3 Digamber Kumar, in the event of their arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, be released on bail on furnishing bail bonds of Rs.10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Bhagalpur, in connection with Kotwali P.S. Case No.431 of

2015, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Anjana Mishra, J)

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