

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.7147 of 2016

Arising Out of PS.Case No. -441 Year- 2015 Thana -MOHANIA District- BHABHUA (KAIMUR)

1. Jag Mohan Sah, son of Babban Sah,
2. Babban Sah, son of Late Kuber Sah, Both are resident of Village-
Paspipara, Police Station- Mohania, District- Kaimur (Bhabua).

.... Petitioner/s

Versus

1. The State of Bihar
2. Branch Manager, Madhya Bihar Gramin Bank, Dandawan, P.S.
Mohania, District - Kaimur

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rajesh Kumar Pathak
For the Opposite Party/s : Mr. Madhura Nand Jha(APP)
For the Bank : Mr. Suresh Pd. Singh No. 1

CORAM: HONOURABLE JUSTICE SMT. ANJANA MISHRA
ORAL ORDER

8 08-08-2016 Heard learned counsel for the petitioners and learned
counsel appearing on behalf of the State.

The opposite party no. 2 has also appeared and filed
counter affidavit.

Petitioners apprehend their arrest in connection with
Mohania P.S. Case No. 441 of 2015 for the offences registered
under Section 409/34 of the Indian Penal Code.

After hearing learned counsel for the petitioners and
learned counsel for the Bank, it appears that the cash credit
facility was extended from Rs. 5 lacs to Rs. 15 lacs in the year
2010. The said extension was granted only subject to the
condition that the petitioners mortgaged their properties. In lieu
thereof, petitioners have deposited title deeds of their land



bearing Registered Sale Deed No. 8102 dated 31.08.90 with regard to Khata No. 14, Plot No. 173, Mauza – Paspipara, Thana No. 525 in the District of Kaimur. The Madhya Bihar Gramin Bank in its counter affidavit has acknowledged receipt of the title deed. It has further been noticed that the bank is already pursuing the matter before the Debt Recovery Tribunal.

Taking into consideration all such facts and circumstances and that the case is filed against the petitioner under the *Sarfaesi* Act and that it is pending before the Debt Recovery Tribunal, let the petitioners, above named, 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 Chief Judicial Magistrate, Bhabua in connection with Mohania P.S. Case No. 441 of 2015, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

It is made clear that the petitioners shall appear within a period of four weeks before the Debt Recovery Tribunal and cooperate in the original application filed thereat, so that the issue which is before the Debt Recovery Tribunal may reach its

logical conclusion. It will be open for the Bank to take further steps in accordance with law for recovery of its debt.

(Anjana Mishra, J)

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