

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.44514 of 2016

Arising Out of PS.Case No. -367 Year- 2016 Thana -MUZAFFARPUR SADAR District-
MUZAFFARPUR

- =====
1. Chandra Bhushan Tiwary, Son of Late Shambhu Nath Tiwary,
 2. Madhu Kumari, Wife of Chandra Bhushan Tiwary, Both residents of Mohalla - Prabhat Nagar, Bhagwanpur, P.S. - Sadar, District - Muzaffarpur.

.... Petitioners

Versus

1. The State of Bihar.
2. Keshav Ranjan Son of Kamlesh Kumar Chaudhary, Branch Manager, Syndicate Bank, Kanhauli Bishundatt, Shakti Nagar, Ward - 48, P.S. - Mithanpura, District - Muzaffarpur, At present Branch Manager, Syndicate Bank, Ram Dayalu Nagar, P.S. - Sadar, District - Muzaffarpur.

... Opposite Parties.

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Appearance :

For the Petitioner/s : Mr. Hari Kishore Thakur
For the Opposite Party/s : Mr. Sanjay Kumar Pandey

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CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR MISHRA
ORAL ORDER

2 28-10-2016 Heard learned counsel for the petitioners, learned counsel appearing on behalf of the Syndicate Bank and the learned A.P.P. for the State.

The petitioners apprehend their arrest in connection with Sadar P.S. Case No. 367 of 2016, registered under Section 406, 420, 424 and 409 of the Indian Penal Code.

The accusation is that the petitioners took loan of Rs. 10,00,000/- (Ten Lakhs) for construction of the house from Syndicate Bank, Ram Dayalu Nagar, Muzaffarpur and hypothecated the landed property, but petitioner has not paid any installment and hypothecated landed property was sold by the petitioners without giving any acknowledgement to the said bank.

Learned counsel appearing on behalf of the Bank submits

that Rs. 32,00,000/- is due on the petitioners and out of that amount, only Rs. 3,00,000/- has been paid by them.

Learned counsel for the petitioners submits that petitioners have filed an application on 05.10.2016 for one time settlement by the Bank and he also paid Rs. 3,00,000/- to the Bank. Further submission is that petitioner is ready to deposit the amount due to the Bank after settlement under the scheme of one time settlement within four months, which will be decided by the bank.

Having regard to the facts and circumstances of the case, let the above named petitioner, be released on provisional bail for period of 04 months, in the event of his arrest or surrender before the learned Court below within a period of four weeks from today, on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of Chief Judicial Magistrate, Muzaffarpur in connection with Sadar P.S. Case No. 367 of 2016, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

The provisional bail of the petitioner will be confirmed by the learned Court below on submission of receipt of depositing the amount, which will be decided as fixed by the Bank under one time settlement scheme within four months failing which the bail bond of the petitioner would be cancelled by the trial court.

(Rajendra Kumar Mishra, J)

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