

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.13987 of 2016

Arising Out of PS.Case No. -165 Year- 2013 Thana -SASARAM NAGAR District-
SASARAM (ROHTAS)

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1. Manoj Kumar Dwivedi, son of Ram Nath Dwivedi, resident of Village- Tetari, Police Station- Sasaram(T), District- Rohtas at Sasaram, at present resident of Village- Jalalpur, Police Station- Kargahar, District- Rohtas at Sasaram.

.... Petitioner/s

Versus

1. The State of Bihar.

2. Kulmani Bahera, son of Late Babajicharan Bahera, Chief Manager, Bank of Baroda, New Hashun Market Branch, Sasaram, Police Station- Sasaram, District- Rohtas at Sasaram.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Raghunandan Kr. Singh

For the Opposite Party/s: Mr. Ram Chandra Singh (App)

For the O.P. No.2 : Mr. Sanjeev Shankar

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**CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI
SHARAN SINGH**

ORAL ORDER

4 14-07-2016

Heard the parties.

This application, for grant of anticipatory bail, arises out of Sasaram (T) P.S. Case No.165 of 2013, disclosing offences under Sections 465, 467, 468, 471,

406, 419 and 420 of the Indian Penal Code.

The allegation against the petitioner is that he obtained loan in the year 2008 from Sasaram Branch of Bank of Baroda, on the basis of forged LIC policies. It also appears that after having obtained loan, the petitioner paid only two installments and did not pay the rest of the amount.

Learned counsel, appearing on behalf of the Bank, has submitted that the said loan amount has swollen to a sum of Rs.2,28,779/- up to 18th June, 2016, calculated with simple interest.

Learned counsel, appearing on behalf of the petitioner, has submitted that the petitioner shall pay the said amount of Rs.2,28,779/- in three installments in the following manner:-

(i) First installment – Rs.70,900/-, in the 1st week of August;

(ii) Second installment – Rs.70,900/-, in the 1st week of September; and

(iii) Third installment – Rs.86979/-, in the 1st week of October.

Learned counsel, appearing on behalf of the Bank, has submitted that once the said amount is paid, they will consider resolving the entire dispute by applying

for compounding of the offence.

In view of the submission, as above, this application is allowed. Let the petitioner, abovenamed, in the event of his arrest or surrender before the court below within six weeks, be released on bail on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of **learned In-Charge Chief Judicial Magistrate, Rohtas at Sasaram**, in connection with **Sasaram (T) P.S. Case No.165 of 2013**, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure.

This is subject to the condition that the petitioner shall present himself before the police/Court, as the case may be, as and when required and in the event of failure on his part to appear before the Court on two consecutive occasions, his bail bond shall be liable to be cancelled.

It is made clear that the Bank will be at liberty to approach this Court for cancellation of bail, if there is any breach of undertaking/assurance given by the petitioner, as recorded above.

(Chakradhari Sharan Singh, J.)

Praveen-II/-

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