

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.6245 of 2017

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

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Devendra Malakar @ Devendra Kumar Malakar, Son of Bhujungi Malakar,
resident of Mohalla- Jyoti Bihar Colony, Bahadurpur Sabour Road, Near
Madhu Gas Godown, P.S.- Audyogik, District- Bhagalpur.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Ashwani Kumar Garg, Circle Manager UCO Bank, Circle officer
Bhagalpur, District- Bhagalpur.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Abhay Kr. Kashyap, Adv.
Mr. Sachin Kumar, Adv.
For the Opposite Party/s : Mr. Braj Kishore Prasad
For the UCO Bank : Mr. Ranjeet Kumar Pandey, Adv.

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CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY
ORAL ORDER

6 19-08-2017 Heard learned counsel for the petitioner and learned
counsel for the State.

In this case, the petitioner is apprehending his arrest
in connection with Kotwali (Tilka Manjhi) P.S. Case No. 431 of
2015 registered for offences under sections 467, 468, 471, 420,
427 & 120B of the Indian Penal Code.

Vide earlier order of this Court dated 19.7.2017, a
direction was given by this Court to the petitioner to deposit Rs.
5,00,000/- whereafter, the installment for the rest amount will be
fixed. In fact no payment has been made thereafter. Now a
submission has been made by the learned counsel for the



petitioner that the petitioner is ready to pay the entire dues standing as on date against him in three equal installments.

In view of the above, let the petitioner should deposit the first installment within a period of thirty (30) days from today and the second and third installment will be paid in the same time interval of one months.

If the petitioner deposits the first installment within a period of 30 days from today, let the petitioner, namely, Devendra Malakar @ Devendra Kumar Malakar, in the event of his arrest or surrender before the court below within a period of four weeks from today, be released on provisional bail 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, Bhagalpur in connection with Kotwali (Tilkamanjhi) P.S. Case No. 431 of 2015, subject to the conditions as laid down under Section 438(2) of the Cr.P.C. as also subject to condition that whenever the police will call the petitioner for investigation/interrogation, he will remain present and if he would not present himself, the privilege of grant of anticipatory bail shall be deemed to have been cancelled.

It is made clear that if the petitioner fails to deposit any of the installments, as stated above, the provisional bail, so granted, will be treated to have been cancelled and the petitioner



will be taken into custody.

Learned counsel for the Bank submits that the petitioner and other family members have adopted a new tactics that they used to lease the same property by different family members to different Banks, in one loan, one family member becomes borrower and same person in the loan from another Bank he become a guarantor. The First Information Report has also been lodged against other family members.

In view of the statement made at Bar by the learned counsel for the petitioner, though he has not complied the earlier order of this Court dated 19.7.2017, the benefit of anticipatory bail is being granted to the petitioner but, in failure to deposit any installment, the police will be at liberty to take the petitioner in custody. It is also made clear that any payment will be subject to the result of the proceeding before the D.R.T. or any other Court.

The present anticipatory bail granted to the petitioner will be treated to be only provisional subject to the condition mentioned herein above.

The Bank is also directed to furnish the details of the outstanding dues standing against the petitioner along with calculation chart and the petitioner is also directed to receive the same. If the petitioner or his any family members refuse to receive



the same, it will be treated to have been served upon the petitioner.

(Shivaji Pandey, J)

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