

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.30185 of 2016

Arising Out of PS.Case No. -114 Year- 2015 Thana -VISHNUPAD MANDIR District- GAYA

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The Senior Manager, Punjab National Bank, Chand Chawra, Police Station
- Bishnupad, Gaya through Sr. Manager Pradeep Kumar S/o Late S.N.
Sinha, P.N.B. Chand Chaura, P.S. Bishnupad, District- Gaya.

.... Petitioner

Versus

1. Sri Shankar Prasad son of Late Sri Dwarka Prasad resident of Swarajpuri
Road, A.P.R. Hospital, P.S. Civil Lines, District- Gaya.
2. The State of Bihar.

.... Opposite Parties

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Appearance :

For the Petitioner/s : Mr. Sarva Deo Singh

For the Opposite Party/s : Mr. Damodar Prasad Tiwary

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CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR
SRIVASTAVA
ORAL ORDER

14 23-08-2017 Heard learned counsel for the petitioner as well as
learned counsel appearing for the opposite party no. 1.

The opposite party no. 1 has filed supplementary show
cause and in para-2 of aforesaid supplementary show cause, he has
clearly mentioned that petitioner-bank may realize the loan
amount after putting his land bearing khata no. 91, plot no. 189,
area 6.243 decimals situated at Bodh Gaya on auction.

The brother of opposite party no. 1, namely, Sheo
Kumar has sworn an affidavit admitting the contents of
supplementary show cause dated 25.07.2017.

Therefore, it is obvious that opposite party no. 1 as



well as his brother have given authority to petitioner to put their lands on auction and realize the loan amount from the outcome of the auction.

Learned counsel appearing for the petitioner submits that it is very difficult to adjust the entire loan amount from the outcome of lands of the opposite party no. 1 but in my view, the aforesaid conduct of opposite party no. 1 shows his inclination to make payment of loan amount and, therefore, there is no need to keep this matter pending.

Accordingly, this petition stands disposed of. However, the petitioner may realize the loan amount after selling the above stated lands of opposite party no. 1 through the process of the auction and if any amount is left to be adjusted even after the auction of the aforesaid lands, the petitioner shall be at liberty to realize the aforesaid amount in accordance with law.

(Hemant Kumar Srivastava, J)

SHAHZAD/-

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