

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.14426 of 2017

Arising Out of PS.Case No. -560 Year- 2016 Thana -BETTIAH CITY District-
WESTCHAMPARAN(BETTIAH)

1. Prakash Kumar, Son of Sri Mohan Lal, resident of Mohalla- Christian Quarter, Tin Laltain Chowk, P.S.- Bettiah Town, District- West Champaran.
2. Rajan Tiwari, Son of Sri Suresh Tiwari, resident of village- Bakuchiya, P.S.- Chanpatia, District- West Champaran.

..... Petitioner/s

Versus

1. The State of Bihar.
2. Ramesh Chandra Chaubey, Senior Manager, UCO Bank, Bettiah Branch, Kavivar Nepali Path, Bettiah, P.S.- Bettiah Town, District-West Champaran.

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Umesh Chandra Verma

For the Opposite Party/s : Mr. Sri Ram Naresh Ray

CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

2 28-03-2017 Heard learned counsel for the petitioners and
the State.

The petitioners apprehend their arrest in Bettiah Town P.S. Case No. 560 of 2016 instituted for the offence under Section (s) 406, 420, 467, 468, 471, 34 of the Indian Penal Code.

It has been submitted on behalf of the petitioners that petitioners are guarantors of the loan advanced in favour of the borrower Rajesh Kumar.



As per written report, borrower Rajesh Kumar took loan of Rs. 8,00,000/- in the name of M/S Prakash Automobile and he mortgaged the sale deed as mentioned in the written report in favour of UCO bank. However, due to non-payment of loan amount the amount of interest increased and bank demanded Rs. 11,30,097/-. Lastly the notice was issued and thereafter the bank proceeded under SARFAESI Act, 2002. Later on, it was found that co-accused Rajesh Kumar has sold the mortgaged property fraudulently to other person.

It has been submitted on behalf of the petitioners that borrower Rajesh Kumar, in terms of the order passed by a coordinate Bench of this Court vide Cr. Misc. No. 8800 of 2017, is making payment of loan amount in installments. It has further been submitted that petitioners are only guarantors of the loan and there is no allegation as per written report against them that they committed any forgery with the bank.

In the facts and circumstances of the case, the prayer of the petitioners for anticipatory bail is allowed. In the event of surrender/arrest of the petitioners, above named, within six weeks from today in connection with Bettiah Town P.S. Case No. 560 of 2016, they shall be released on anticipatory bail on furnishing bail bond of Rs. 10,000/-(ten thousand) each with two



sureties of the like amount each to the satisfaction of learned Chief
Judicial Magistrate, West Champaran at Bettiah, subject to the
conditions as laid down under Section 438(2) of Cr.P.C.

Shageer/-

(Sanjay Priya, J)

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