

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.56247 of 2017

Arising Out of PS.Case No. -4 Year- 2017 Thana -BUXAR INDUSTRIAL District- BUXAR

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1. Bimla Devi, W/o Late Vidyadhar Upadhyay,
2. Bablu Upadhyay @ Babloo Upadhyaya, S/o Late Vidyadhar Upadhyay,
Both R/o Village- Charitravan, Sumeshwar Asthan, Jail Road, P.S.- Buxar
Town, District- Buxar.

.... Petitioner/s

Versus

1. The State of Bihar.
2. The Canara Bank through its Senior Manager, Branch -Buxar, District-
Buxar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rahul Nath
For the Opposite Party/s : Mr. Sri Harendra Prasad

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CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR
MISHRA
ORAL ORDER

2 04-12-2017 Heard learned counsel for the petitioners and the
learned A.P.P. for the State.

The petitioners apprehend their arrest in connection
with Area P.S. Case No. 04 of 2017, registered under Sections 406
and 420 the Indian Penal Code.

The accusation is that both the petitioners applied for
loan of Rs.10,50,000/- from Canara Bank, Branch Jaso, Arrah.
Accordingly, draft of Rs.14,56,973/- was prepared in the name of
M/S Rohit Automobile Arrah, but later on petitioner no. 2 did not
furnished the R.C. Book, Insurance Copy, Delivery letter and
Salse Certificate regarding the Vehicle, while the Branch Manager



demanded the aforesaid papers. Informant came to know that petitioners have not purchased the vehicle.

Learned counsel for the petitioners submits that petitioner no. 2 had taken the loan of Rs.10,50,000/- for purchasing the vehicle and draft of Rs.14,56,973/- was send to M/S Rohit Automobile Arrah, which was credited in account, but the vehicle was not provided to him. Further submission is that petitioner no. 1, who is the mother of petitioner no. 2, is simply guarantor of the loan.

Having regard to the facts and circumstances of the case, let the above named petitioner no. 1, Bomla Devi, who is lady, be released on bail, in the event of her arrest or surrender before the learned Court below within a period of six 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 the Chief Judicial Magistrate, Buxar, in connection with Area P.S. Case No. 04 of 2017, subject to the condition as laid down under Section 438(2) of the Cr.P.C.

So far as the pre-arrest bail of petitioner no. 2, Bablu Upadhyay, is concerned, having considered the facts and circumstances of the case and the nature of allegation as made against him, his prayer for grant of anticipatory bail stands



rejected. The petitioner no. 2 is directed to surrender before the trial court within four weeks and pray for regular bail, which would be considered by the trial court in accordance with law without being prejudiced by the order of this Court.

(Rajendra Kumar Mishra, J)

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