

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.3577 of 2017

Arising Out of PS.Case No. -152 Year- 2016 Thana -NARHAT District- NAWADA

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1. Kuleshwari Devi @ Kaleshwari Devi @ Smt. Kuleshwari Devi, wife of Prayag Yadav
2. Ramswaroop Yadav, Son of Bhattu Yadav
Both Resident of Village- Murhetachak, Police Station- Sitamarhi (Narhat) District- Nawadah

.... Petitioner/s

Versus

1. State of Bihar
2. Parmeshwar Chaudhary, son of late Daso Chaudhary, resident of village-Sighaul, P.O.-Laund, P.S.-Sirdalla, District-Nawada.
At present Madhya Bihar Gramin Bank Baijnathpur (Nawada) working as post of Manager

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Arjun Prasad, Adv.

For the Opposite Party/s : Mr. Sri Anuj Kumar Srivastava, APP

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

2 09-02-2017 Heard learned counsel for the petitioners and the learned A.P.P. for the State.

The petitioners apprehend their arrest in Narhat P.S. Case No.152 of 2016 instituted for the offence under Sections 406, 420 and 120B of the Indian Penal Code.

It is alleged by the informant that the petitioners took loan in the year 2007 for purchase of a tractor. The petitioners sold the tractor without repaying the entire amount of loan.

It is submitted on behalf of the petitioners that they are ready to settle the loan amount with the bank. There are other securities also in the bank against that loan. They have filed petition in the Lok Adalat for settling the amount of loan



(Annexure-2).

It has been submitted on behalf of the counsel for the bank that a petition was filed in the Lok Adalat after sending the notice to them on 01.09.2016 for payment of loan amount by the bank.

Learned counsel for the petitioners has submitted that after filing the petition by the petitioners in the Lok Adalat on 20.09.2016 to settle the loan amount the instant case has been filed by the bank on 30.09.2016. He has further submitted that the petitioners are still ready to settle the loan amount with the bank.

From the nature of the allegation, this Court finds that civil remedy is available to the bank. Therefore, prayer of the petitioners for anticipatory bail is allowed.

In the event of surrender/arrest of the petitioners, named above, within six weeks from today in connection with Narhat P.S. Case No.152 of 2016, they shall be released on anticipatory bail on furnishing bail bonds of Rs.10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-3rd, Nawada, subject to the conditions as laid down under Section 438(2) Cr.P.C.

Arvind/-

(Sanjay Priya, J)

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