

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.55065 of 2017

Arising Out of PS.Case No. -223 Year- 2017 Thana -BEGUSARAI TOWN District- BEGUSARAI

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Lakshmi Prasad, Son of Nathu Das, Resident of Mohalla - QR No D - 1-
F/28 I.O.C. Barauni Refinery Township, PS - Town Dist - Begusarai.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Punjab National Bank, Begusarai.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sandip Kumar Gautam, Advocate.

For the P.N.B. : Mr. Kumar Priya Ranjan, Advocate.

Mr. Niraj Kumar, Advocate.

For the Opposite Party/s : Mr. Panchanand Pandit, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA

ORAL ORDER

3 05-12-2017 Heard learned counsel for the petitioner and the State.

The petitioner apprehends his arrest in **Town P.S.**

Case No. 223 of 2017 instituted for the offence under Sections
406 and 420 of the Indian Penal Code.

It is alleged in the written report by the Senior
Manager of Punjab National Bank, Begusarai, that she has
sanctioned Rs.10,50,000/- as term loan on 28.9.2015 to the
petitioner for purchase of Scorpio car and it was agreed that the
loan amount will be returned in 84 equal monthly installment. The
petitioner purchased the Scorpio Car from the Agency of Satyam
Auto Mobile Pvt. Ltd., Begusarai and it was under hypothecation
of Punjab National Bank, Dankbangla Road, Begusarai. The



informant alleged that the petitioner did not repay the installment within stipulated period and due to this reason, Rs. 11,03,755/- and interest became due upon the petitioner till 1.10.2016. It is also alleged that informant directed the petitioner to pay the dues amount but he failed to comply the direction. He also failed to produce the vehicle in the bank.

Learned counsel for the petitioner has made specific statement in paragraph 11 of the bail petition that he has already deposited Rs.3,50,000/- on 19.7.2017 and the rest amount he will pay as per installment fixed at the time of sanctioning loan amount. It has further been submitted that he will make payment of installment regularly till final liquidation of the loan amount.

In such circumstances, prayer for anticipatory bail of the petitioner is allowed. In the event of surrender/arrest of the petitioner, named above, along with affidavit that he will make payment of installment regularly till final liquidation of the loan amount within six weeks from today, in connection with **Town P.S. Case No. 223 of 2017**, he shall be released on anticipatory bail on furnishing bail bond of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned **Chief Judicial Magistrate, Begusarai**, subject to the conditions as laid down under Section 438 (2) Cr. P.C. with further



conditions (1) bailors should be local having sufficient immovable property within the jurisdiction of the court concerned, (2) petitioner shall cooperate in the trial and shall be present on each and every date fixed by the court and absence on two consecutive dates without proper and reasonable reason will automatically cancel bail bond of the petitioner and (3) if petitioner tampers with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioner.

The informant will be at liberty to take appropriate action in accordance with law for cancellation of bail bond of the petitioner in the event he makes default in making payment of installment amount to the Bank till final liquidation of loan.

(Sanjay Priya, J)

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