

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.28442 of 2017

Arising Out of PS.Case No. -137 Year- 2016 Thana -SINGHESHWARASHTHAN District-
MADHEPURA

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Rupak Kumar, son of Late Mahendra Prasad Bhagat, resident of Village-
Sattu Gali, Gauripur, Police Station- Singheshwar, District- Madhepura.

.... Petitioner

Versus

The State of Bihar.

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Manoj Kumar, Advocate

For the Opposite Party/s : None.

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2. 06-07-2017 Heard learned counsel for the petitioner. No
one appears on behalf of the State.

Petitioner, in the present case, is seeking
regular bail in connection with Singheshwar P.S. Case
No.137/2016 registered for the offence punishable under
Sections 420, 467, 468, 406 of the Indian Penal Code.

Learned counsel for the petitioner submits
that the allegation against the petitioner is that he having
obtained the credit facility from the State Bank of India
for a Kirana business, closed the said business and was
found engaged in another business. Further allegation is
that although notice was served on the petitioner for
payment of the outstanding dues which had accumulated
due to non-payment in the loan account, but the petitioner
did not turn up. Learned counsel submits that the



petitioner has availed Rs. 5 lacs by way of cash credit facility, however, due to some stringent market condition, he could not keep paying the amount in the account as a result thereof the account became irregular leading to the present circumstance.

Learned counsel for the petitioner however submits that the petitioner is ready and willing to pay the entire outstanding dues of the bank in few installments as may be granted by the bank. He further undertakes to pay the interest at the prime lending rate on the outstanding installments.

Learned counsel for the petitioner submits that the petitioner may be allowed the privilege of bail as the petitioner is willing to deposit the amount of Rs. 1 lac as a condition precedent for his release and thereafter the balance amount would be paid in six (6) monthly installments with interest thereon at the prime lending rate.

Considering the nature of the case particularly that the whole effort is to get back the public money from the petitioner, this Court is inclined to exercise its discretion for grant of bail to the petitioner, subject to the condition that the petitioner shall immediately pay at least a sum of Rs. 1 lac for purpose of



his release and thereafter the balance amount which shall be paid within six (6) installments together with the interest at the prime lending rate as applicable in the present case to the bank.

In the facts and circumstances stated hereinabove, considering the undertaking given by the petitioner, the petitioner be released on bail on showing proof of payment of Rs. 1 lac to the bank after passing of this order, after his release the bank shall provide him the details of outstanding amount up to date as per contractual rate on which financial assistance was provided, which the petitioner shall pay in six (6) monthly installments. The bank shall fix six (6) monthly installments of outstanding amount up to date and shall charge prime lending rate for the period of installments on the remaining amount. The petitioner shall pay the installments on or before the due date, failing which, the bail bond of the petitioner shall be cancelled forthwith, subject to this, let the above-named petitioner be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Rupees ten thousand only) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Madhepura, in connection with Singheshwar P.S. Case No.137/2016.

(Rajeev Ranjan Prasad, J.)

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