

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.52687 of 2017

Arising Out of PS.Case No. -11 Year- 2017 Thana -SA SARAM NAGAR District- SASARAM (ROHTAS)

Uday Shankar Pandey, Son of Late Dev Kumar Pandey, resident of village- Kalyani, P.O.- Dawath, P.S- Suryapura, District- Rohtas (Bihar).

.... Petitioner

Versus

1. The State of Bihar

2. Bank of India through its Branch Manager, Bikramganj, District-Rohtas.

.... Opposite Parties

Appearance :

For the Petitioner/s : Mr. Y.V.Giri, Sr.Adv.

: Mr.Bijay Shankar Choubey, Adv.

For the Informant : Mr. Rajani Kant Singh, Adv.

For the Opposite Party No.2: Mr. Nishi Nath Ojha, Adv.

CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL ORDER

6 18-01-2018

Heard learned counsel for the petitioner and

learned APP for the State.

Petitioner seeks bail in a case registered for the offences punishable under Sections 406,420,504 and 506 of the Indian Penal Code.

The informant had purchased a house from this petitioner through registered sale deed.

Allegation is that the house was already mortgaged with the Bank on Rs. 60,00,000/- (Sixty Lacs), as such the informant found himself cheated.

Learned counsel for the petitioner submits that at the time of purchase, it was informed to the informant that the property is under mortgage with the Bank and that is why the



original sale deed was not handed over to the informant at the time of sale. It was further agreed that the informant would pay the loan amount. When the informant failed to pay, the petitioner filed Title Suit No. 492 of 2016 in the court of learned Sub Judge, Sasaram for cancellation of the sale deed prior to the present FIR. The petitioner is in custody since 30.07.2017.

Learned counsel appearing for the Bank submits that the petitioner had compromised with the Bank for repayment of the loan amount and submitted two cheques to the Bank for repayment of loan amount and both the cheques have bounced.

Learned counsel for the informant opposed the prayer for bail on the ground that the several witnesses have stated before the police that is the attitude of the petitioner in cheating other people in general.

Considering the entire facts and circumstances especially the liability of the purchaser to go through the title deed of the vendor which the informant failed to exercise, let the petitioner, above named, be released on bail on furnishing bail bond of Rs.20,000/- (Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned Court below where the case is pending in connection with Sasaram (Model) Police Station Case No.11 of 2017, subject to the condition that the



petitioner shall fully cooperate with the investigation and trial of the case, failing which the court below shall be at liberty to cancel the bail bond of the petitioner.

(Birendra Kumar, J)

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