

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.59976 of 2017

Arising Out of PS. Case No.- Year- Thana- District- Patna

Shailendra Kumar S/o Late Suresh Prasad Mehta, R/o Mohalla- Sandalpur,
P.S.- Bahadurpur, District- Patna.

... .. Petitioner/s

Versus

The State of Bihar, Through The C.i.d.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shailendra Kumar Jha
For the Opposite Party/s : Mr. SRI ANUJ KUMAR SRIVASTAVA
For the Punjab & Sindh Bank: Mr. R.N. Choudhary

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

4 17-01-2018 Heard learned counsels for the parties.

The present application has been filed for modification of order dated 29.6.2012 passed in Cr. Misc. No. 20365 of 2012 and order dated 5.12.2012 passed in Cr. Misc. No. 46499 of 2012.

The factual matrix of the case is that the petitioner preferred Cr. Misc. No. 20365 of 2012 with a prayer for anticipatory bail in a case under sections 419,420,467,468 and 471 of the IPC. The accusation is of taking loan of Rupees Eleven Lacs from the bank and not making repayment of the same.

On the undertaking that the petitioner will return the loan amount along with interest within a period of eighteen months,



the petitioner was granted provisional anticipatory bail for a period of eighteen months vide order dated 29.6.2012. The petitioner was supposed to serve a certified copy of the order upon the bank authorities within one week and the bank authorities were supposed to fix the installments calculating up-to-date interest. The provisional anticipatory bail was to be confirmed by the learned court below after deposit of the entire amount within a period of eighteen months.

The petitioner thereafter, preferred Cr. Misc. No. 46499 of 2012 for modification of the order dated 29.6.2012 passed in Cr. Misc. No. 20365 of 2012 to the extent that the petitioner is not in a position to pay the loan amount. The said modification application was dismissed vide order dated 5.12.2012. Both the orders have been brought on record as Annexure 1 series.

The present modification has been filed for confirmation of the provisional bail of the petitioner since the petitioner has returned the entire loan amount with up-to-date interest. Learned counsel for the bank does not controvert the contention of the learned counsel for the petitioner and the NOC has been issued by the bank.

Keeping in view of the fact that the provisional anticipatory bail of the petitioner got lapsed in January, 2014



whereas the present modification application has been registered on 7.12.2017, moreover, the earlier application for modification of the initial order was dismissed by this Court vide order dated 5.12.2012 and, above all, there is nothing on record to suggest that bail bond of the petitioner has been cancelled or not, this Court is not inclined to interfere in the matter.

However, keeping in view the fact that the petitioner was granted provisional anticipatory bail only on the condition that the petitioner will return the entire loan amount and the loan amount has now been repaid, it is a case for for consideration of regular bail of the petitioner by the learned court below, preferably on the same day, in case the petitioner surrenders within six weeks in connection with Kotwali P.S. Case No. 205 of 2010 pending in the court of the learned CJM, Patna.

With the aforementioned observation/direction, this application is disposed of.

(Dinesh Kumar Singh, J)

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