IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.34411 of 2016

Arising Out of PS.Case No. -127 Year- 2015 Thana -NASRIGANJ District- SASARAM (ROHTAS)

Mukul Raj Chaudhary, Son of late Deo lal Choudhary, Resident of Village- Thurkaulia, P.S.Thurkaulia, P.S Rajpur, District Rohtas at Sasaram.

.... Petitioner/s

Versus

1. The State of Bihar
2. Sri Shekhar Verma, Branch Manager, Mauna Branch Madhya Madhya Vihar Gramin Bank, Rohtas, Resident of Road, No. Rajiv Nagar, P.S. Rajiv Nagar, Patna-24

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Abhay Kumar Singh, Advocate.
For the opposite party No.2 : Dr. Anand Kumar, Advocate.
For the State : Mr. Mrityunjay Kr. Gautam, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL JUDGMENT
Date: 05-09-2018

1. This application under Section 482 of the Code of Criminal Procedure has been filed for quashing the order dated 11.01.2016 passed by learned Additional Chief Judicial Magistrate, Bikramganj, in Nasriganj P.S. Case No. 127 of 2015 by which the learned Magistrate took cognizance against the petitioner for the offences under Sections 406, 420 and 120B of the Indian Penal Code.

2. Heard learned counsel for the petitioner and learned counsel for the opposite party No.2 as well as State.

3. As per written report filed by the informant being Branch Manager of Madhya Bihar Gramin Bank, Mauna Branch, Rohtas, the petitioner took loan of Rs.14.80 lacs as term loan and Rs.8.78 lacs as cash credit facility from the Bank. He has made his wife Smt. Sunita Devi as Guarantor of the term loan. The petitioner along with his wife sold the mortgage land measuring 1.70 Acres. The petitioner sold the mortgage property and entire stock without liquidating the amount of term loan as well as cash credit facility granted to the petitioner. It is further alleged that petitioner has committed forgery with the Bank and caused loss to the Bank as mentioned in the written report.

4. Police after investigation submitted charge sheet against the petitioner. Thereafter, learned Magistrate on the basis of charge sheet submitted by the police has taken cognizance against the petitioner for the offence under Sections 406, 420 and 120(B) of the Indian Penal Code.

5. This Court after looking into impugned order and allegation made in the written report does not find any illegality in the impugned order.

6. This Criminal Miscellaneous application is accordingly dismissed.

7. Counsel for the petitioner during course of argument has submitted that he is ready to settle the account with the Bank. The petitioner is given liberty to give offer to settle the matter in court below and in the event Bank agrees for the same, the court below will pass appropriate order in accordance with law.

(Sanjay Priya, J)

S.Ali/-

AFR/NAFR	NAFR
CAV DATE	N.A.
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