

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.22946 of 2018

Arising Out of PS.Case No. -459 Year- 2017 Thana -BHABHUA District- BHABHUA (KAIMUR)

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1. Umesh Kumar Pandey @ Umesh Pandey S/o Ram Vilas Pandey
2. Srimati Prabhawati Devi @ Prabhawati Devi W/o Ram Vilas Pandey
Both are R/o Village - Bradhi, P.S. - Chand, District - Kaimur (Bhabua).
.... Petitioner/s

Versus

1. The State of Bihar.
2. Deepshikha S/o Vinay Bhushan Bajpayee Manager, Madhya Bihar
Gramin Bank, Bhabua, District - Kaimur.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ashutosh Tripathy, Advocate
For the Opposite Party/s : Mr. Sri Uday Chand Prasad, APP

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CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD

ORAL ORDER

2 25-04-2018 Heard learned counsel for the petitioners and learned
APP for the State.

Petitioners are apprehending their arrest in connection
with **Bhabua P.S. Case No. 459 of 2017** registered for the
offences punishable under Sections 409, 420/34 of the Indian
Penal Code.

The allegation made in the FIR relates to loan
advanced to one Baba Engineering Works. The petitioners are
guarantors and have mortgaged their lands to indemnify the loan.
It is submitted that in respect of recovery of loan from the loanee
the Manager of the Bank went and saw the firm closed thereafter,
the FIR has been lodged wherein the instant petitioners being the
guarantors have been falsely implicated in this case. Petitioners



have no criminal antecedent prior to the instant case. It is also submitted that no office is made out and the present proceedings is an abuse of the process of the Court.

In the facts and circumstances of the case, prayer for anticipatory bail of the petitioners is allowed. Let the above named petitioners, in the facts and circumstances of the case, in the event of their arrest or surrender within six weeks from today, be released on bail on his furnishing bonds of Rs 10,000.- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of **Chief Judicial Magistrate, Kaimur in Bhabua P.S. Case No. 459 of 2017** subject to all conditions as laid down in Section 438 (2) of Criminal Procedure Code.

- (i) That one of the bailors will be a close relative of the Petitioners who will give an affidavit giving genealogy as to how he is related with the Petitioners. The bailor will also undertake to inform the Court if there is any change in the address of the Petitioners.
- (ii) That the Petitioners will be well represented on each date and if they fail to do so on two consecutive dates, their bail will be liable to be cancelled.

(Madhuresh Prasad, J)

Prakash/-

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