

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.51611 of 2017

Arising Out of PS.Case No. -958 Year- 2013 Thana -GOPALGANJ COMPLAINT CASE District-
GOPALGANJ

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1. KARAN PRASAD @ KARN PRASAD, Son of Late Nagina Prasad, residing at Maa Durga Agro Agency, Arar More, College Road, Gopalganj, P.S. Gopalganj, District Gopalganj, Presently residing at Village Hajiyapur, Ward No. 27, P.O. & P.S. Gopalganj, District- Gopalganj.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Vijay Kumar Verma, Son of Late Manoranjan Prasad Verma, Branch Manager, Central Bank of India, Gopalganj Branch, Jadopur Road, P.S. Gopalganj, District- Gopalganj.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Naresh Prasad

For the Opposite Party/s : Mr. Smt. Sucheta Yadav

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

3 11-01-2018

Heard learned counsel for the petitioner and the State.

The petitioner apprehends arrest in Complaint Case No. 958 of 2013, Trial No. 1203 of 2017 instituted for the offence under Sections-406, 420 of the Indian Penal Code and 138 of N.I. Act.

The notice issued to opposite party No. 2 has validly been served but today none appears on behalf of opposite party No. 2.

The allegation against this petitioner by the opposite party No. 2 who is Branch Manager of Central Bank of India is that the petitioner has taken loan under the Cash Credit scheme for business of tractor and the aforesaid account of the accused became N.P.A. due to non-payment of loan. The total due loan is Rs. 4,48,8247/- till 23-03-



2013. The opposite party No. 2 and other employees of the bank made demand to repay the loan, then the petitioner issued four cheques as mentioned in the complaint petition which was sent to concerned police station u/S 156(3) Cr.P.C. and all those four cheques got dishonoured due to insufficient fund. Thereafter, the legal notice was sent and the complaint case was filed against the petitioner.

Counsel for the petitioner has submitted that the petitioner has paid an amount of Rs. Four lacs out of Rs. 4,48,8247/- and the bank has already got mortgaged the immovable property of the petitioner for recovery of the loan. The complainant cannot take two processes for recovery of loan amount. It has also been submitted on behalf of the petitioner that the instant case has been lodged as a counter blast by opposite party No. 2 because brother of the petitioner namely Arjun had lodged a case bearing Gopalganj Town P.S. Case No. 330 of 2012 against the informant (opposite party No. 2) of the present case and several other staffs of Bank on 27-09-2012.

In such circumstances, prayer for anticipatory bail is allowed and it is ordered that the petitioner named above in the event of his arrest or surrender in the court below within six weeks from the date of receipt/production of copy of this order, shall be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each in connection with in Complaint Case No. 958 of 2013, Trial No. 1203 of 2017 to the satisfaction of learned Additional Chief Judicial Magistrate-X, Gopalganj subject to condition



as laid down u/S 438(2) of the Cr.P.C. with further conditions (1) bailors should be local having sufficient immovable property within the jurisdiction of the court concerned, (2) petitioner shall cooperate in the trial and shall be present on each and every date fixed by the court and absence on two consecutive dates without proper and reasonable cause, will liable to cancel bail bond of the petitioner and (3) if petitioner tampers with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioner.

(Sanjay Priya, J)

A.K.V./-

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