

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.25843 of 2018

Arising Out of PS.Case No. -12 Year- 2018 Thana -KHAGARIA District- KHAGARIA

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Arun Kumar Sinha, son of late Yogendra Prasad, R/o – Mohalla Jai Prakash
Nagar, Ward No. 21, Police Station – Khagaria, District – Khagaria.

.... Petitioner/s

Versus

The State of Bihar & Anr

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ashok Kumar Jha, Advocate

For the SBI : Mr. Satya Prakash Tripathy, Advocate

For the Opposite Party/s : Mr. Ashok Kumar, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL ORDER

2 01-05-2018

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 and 420 of the Indian
Penal Code.

Allegation against petitioner is that he sold away
the land which was mortgaged with the informant-Bank.

There is no dispute that the Bank has first charge
over the mortgaged property and it is also not against the law to
sell a property which is already mortgaged. If the purchaser of the
property would have raised the grievance, the matter would have
been different.

Submission is that the petitioner is ready to
refund the loan amount to the Bank within one year.



Learned counsel for the State Bank of India
opposed the prayer for bail on the aforesaid facts.

Considering the aforesaid fact, let the petitioner,
above named, be released on bail on furnishing bail bond of
Rs.20,000/- (Rupees 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 Khagaria Police Station
Case No. 12 of 2018, 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)

Kundan/Sanjeev

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