

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Appeal (SJ) No.1946 of 2018

Arising Out of PS.Case No. -107 Year- 2017 Thana -KOTWALI District- MUNGER

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1. Vikash Chandra Mishra,
2. Prabhash Chandra Mishra,
Both sons of late Narayan Mishra, resident of village-Dhawalpura, P.S. Bath,
District- Bhagalpur

.... Appellant/s

Versus

The State of Bihar

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Manoj Kumar Jha, Advocate

For the Respondent/s : Mr. Sadanand Paswan, SPP

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR

ORAL JUDGMENT

Date: 18-07-2018

Heard learned counsel for the parties.

This is an appeal under Section 14(A)(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 against the refusal of prayer for anticipatory bail vide order dated 31.01.2018 passed by the learned Additional Sessions Judge-I, Munger, in A.B.P. No.67 of 2018, arising out of Kotwali Police Station Case No.107 of 2017, registered under Sections 419/420/467/468/471/120B of the Indian Penal Code and Sections 3(i)(v) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

The bank manager of Cooperative Bank is complainant of this case. Allegation is that the appellants have got loan from the



bank by allegedly producing forged papers.

Submission of the learned counsel for the appellants is that it is bounden duty of the bank to verify the genuineness of the loanee, his correct address and genuineness of the property mortgaged prior to disbursement of loan. The bank fails to perform its duty for that the concerned Manager has been put under suspension. Later on, it revealed that, in fact, the informant had got forged loan sanctioned in the name of appellants by producing forged document and from the salary of the informant the same is being recovered.

Learned counsel for the informant opposed the prayer for bail on the ground that the appellants have got criminal antecedent of identical nature.

Considering the merit of this case, as discussed above, let the appellants, above named, in the event of their arrest or surrender before the Court below within a period of thirty days from the date of receipt of the order, be released on bail on furnishing bail bonds of Rs.20,000/- (Twenty Thousand) each with two sureties of the like amount each to the satisfaction of the learned Court-below where the case is pending in connection with the aforesaid case, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure as well as condition that the appellants shall fully cooperate with the investigation/trial of the case, failing which the court below



shall be at liberty to cancel the bail bond of the appellants.

Accordingly, the impugned order is set aside and the appeal is allowed.

(Birendra Kumar, J)

Mkr./-

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