

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.33587 of 2018

Arising Out of PS.Case No. -179 Year- 2017 Thana -KHAGARIA District- KHAGARIA

=====

Banti Kumar @ Bunti Kumar, S/o Bal Krishna Prasad, R/o Vill.- Bhadas
Dakshini, P.S.- Muffasil in the District of Khagaria.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Navin Sharma, Advocate

For the Opposite Party/s : Mr. Lakshmi Kant Sharma, APP

=====

CORAM: HONOURABLE JUSTICE SMT. ANJANA MISHRA
ORAL ORDER

4 31-07-2018 Heard learned counsel for the petitioner and the

learned counsel appearing on behalf of the State.

The petitioner is in custody since 25.02.2018 in connection with Khagaria P.S. Case No.179 of 2017 registered for the offence under Sections 406, 420, 467, 468, 471/34 of the Indian Penal Code, which is pending in the court of Sri Brajesh Kumar, learned Judicial Magistrate, 1st Class, Khagaria.

It appears that on the basis of fake quotation issued from one P.P. Jewellers, the petitioner had taken a loan under the PMR Scheme. A similar loan was also advanced in favour of one Laxman Kumar by the then Branch Manager of Canara Bank. It appears from the FIR that after taking the loan, both of them, who had taken the loan, had absconded, their premises were



found closed and on inquiry from P.P. Jewellers, from where the quotation had been taken, the said quotation was found to be fake and fabricated. Thus, the Bank has been defrauded of the money. Consequently, the Branch Manager after making due inquiry has lodged the present case.

Learned counsel for the petitioner submits that the petitioner Banti Kumar is nowhere named in the loan application and, therefore, the liability cannot be fastened on him. However, it appears that the Branch Manager while lodging the FIR has clearly stated that Banti Kumar was one of the loanees who had been advanced the loan for the purposes of establishing a Jewellery business under the PMR Scheme.

Diary in the present case was called for, which has since been received.

Learned counsel for the State after perusal of the case diary submits that, admittedly, both the accused persons had taken loan on false pretext and fabricated documents and thus do not deserve the privilege of bail.

Having heard learned counsel for the parties, I am not inclined to release the petitioner on bail. It is accordingly, rejected.

Learned counsel for the petitioner, however, submits



that the petitioner is willing to repay the loan and, therefore, he may be granted some liberty.

It is made clear that if the petitioner deposits the alleged amount to the extent of his liability, the petitioner shall be at liberty to renew his prayer for bail soon thereafter.

(Anjana Mishra, J)

PNM

U		T	
---	--	---	--

