

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.57442 of 2018

Arising Out of PS. Case No.-342 Year-2016 Thana- GHOSI District-
Jehanabad

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Kaushlendra Kumar S/o Nand Kishore Singh, R/o Vill.- Okari, P.S.-
Ghosi in the District of Jehanabad.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. Manish Kumar S/o Arvind Sharma, R/o Vill.- Rewan, P.S.-
Kadirganj, Distt.- Patna. A/P Posted as Manager, Madhya Bihar,
Gramin Bank, Okari in the District of Jehanabad.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Navin Sharma

For the Opposite Party/s : Mr. Sri Mukeshwar Dayal

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR

ORAL ORDER

3 11-12-2018 The petitioner seeks bail in anticipation of his

arrest in connection with Ghosi (Okari) P.S. Case No. 342

of 2016 dated 26.01.2016 instituted for the offences under

Sections 406, 409, 420 of the Indian Penal Code.

The sum and substance of the allegation against

the petitioner is that after having obtained loan for the

purposes of setting up industry/business, the loan amount

was not returned.

The learned counsel for the petitioner, however



has submitted that the business of the petitioner failed but he entered into negotiation with the Bank for one time settlement. According to the settlement arrived at, the petitioner was required to deposit an amount of Rs. 7,18,000/-. Out of the settlement amount, the petitioner claims to have returned Rs. 3,00,000/- and the only amount which is due to the Bank is Rs. 4,18,000/-. The allegation of the learned counsel for the informant Bank that the petitioner has sold the mortgaged property is stated to be incorrect.

This Court is not going into the aforesaid question at present in view of a categorical undertaking by the petitioner that the balance amount of Rs. 4,18,000/- due to the Bank shall be paid by him within a period of four months to be counted from today.

The learned counsel for the petitioner has also given an undertaking on behalf of his client that in case the aforesaid amount is not paid to the Bank within the period stipulated above, he shall immediately surrender before the Court below or come up before this Court for any other



order.

On the basis of the aforesaid assertion made on behalf of the petitioner, this Court is inclined to grant anticipatory bail to him with a caveat stated below.

The petitioner shall be released on bail on his surrender before the Court below within a period of two weeks from today and on his furnishing bail bonds of Rs. 10,000/-(Ten Thousands) with two sureties of the like amount each to the satisfaction of learned Sub-Judge-I-cum-Additional Chief Judicial Magistrate, Jehanabad in connection with Ghosi (Okari) P.S. Case No. 342 of 2016, subject to the conditions laid down under Section 438(2) of the Cr.P.C.

The petitioner shall also file an undertaking on a stamp paper stating that he shall pay an amount of Rs. 4,18,000/- to the Bank within a period of four months from the date of passing of the present order.

If the undertaking of the petitioner is not respected/fulfilled, it will be open for the informant to file an application for cancellation of his bail before the Court below



and in that event, the Court below shall proceed accordingly
for cancellation of bail granted to the petitioner.

(Ashutosh Kumar, J)

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