

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4620 of 2019

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

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Banti Kumar @ Bunti Kumar, S/o Bal Krishna Prasad, Vill- Bhadas Dakshini,
P.S.- Muffasil, Dist- Khagaria

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Binod Kumar, Advocate
For the Bank	:	Mr. Rajan Ghoshrahe, Advocate
For the State	:	Mr. Chandra Sen Prasad Singh, APP

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CORAM: HONOURABLE JUSTICE SMT. ANJANA MISHRA
ORAL ORDER

5 27-03-2019 Heard learned counsel for the petitioner and the

learned counsel appearing on behalf of the Canara Bank.

Learned counsel for the State is also present.

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 and 471/34 of the Indian Penal Code.

The prayer for bail of the petitioner was earlier rejected by this Court with liberty to the petitioner to renew his prayer for bail after some amounts would be deposited. However, petitioner has renewed his prayer for bail without making any such deposit. Learned counsel for the petitioner, however, submits that since the petitioner is languishing in jail, there is no scope for depositing any further amount unless and until he comes out and makes appropriate arrangements towards disbursement of the loan amount, which has admittedly been



taken by the petitioner. It is further submitted by the learned counsel for the petitioner that subject to condition being imposed by this Court, the petitioner will take all possible steps to reimburse the Bank the loan amount, no sooner he is out of jail and revive the business by taking appropriate steps and opening his business premises. He thus submits that the petitioner may be given the privilege of bail and he will comply with whatever directions being imposed by this Court.

Learned counsel appearing on behalf of the opposite party-Canara Bank has filed a counter affidavit bringing on record the statement of loan account, which indicates that certain payments were made after the petitioner had taken loan, but such payments are very small and minuscule amount and, therefore, the petitioner's bona fide cannot be gauged, especially in view of the fact that after the earlier order, the petitioner has not made any such deposits. He, however, submits that if the petitioner is willing to reimburse the loan amount, he may be extended the privilege of bail, subject to rigid conditions with liberty to the Bank to take appropriate action in case of non-compliance of the directions by this Court.

Having considered the submissions advanced by the parties and taking into consideration the undertaking given by the petitioner that the loan amount will be reimbursed to the



opposite party-Bank within a period of one year from the date of receipt/production of a copy of this order, let the petitioner, above named, be released on bail on his furnishing bail bond of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Khagaria, in connection with Khagaria P.S. Case No.179 of 2017, subject to the following conditions:

(1) One of the bailors will be his own blood relative, preferably, father, mother, brother, sister and/or his wife.

(2) The petitioner shall not indulge himself in any similar offence till conclusion of the trial.

(3) The petitioner shall remain physically present in court on each and every date during trial and in the event of his failure on two consecutive dates without sufficient reasons, his bail bonds shall be liable to be cancelled by the learned court concerned.

(4) The petitioner shall co-operate with the investigation, if not already concluded, and make himself available as and when so required and in case of failure, the State shall be at liberty to move for cancellation of bail.

(Anjana Mishra, J)

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