

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.9807 of 2019

Arising Out of P.S. Case No.-560 Year-2018 Thana- BUXAR District- Buxar

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1. Jitendra Kumar Singh (M) 40 years, S/o Kawalpati Nath Singh
 2. Chandan Kumar Singh (M) aged 30 years, S/o Suresh Singh
- Both R/o Village- Karahansi, P.S.- Buxar (M), District- Buxar.

... .. Petitioners

Versus

1. The State of Bihar
2. Vipin Kumar Yadav (M) 48 years, S/o Sri Lalu Yadav R/o Village- Aashapur, P.S.- Sarnath, District- Varanasi, presently Branch Manager, Vijaya Bank Busar, P.S.- Buxar (T), District- Buxar

... .. Opposite Party

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Appearance :

For the Petitioners : Mr. Digvijay Kumar Ojha, Advocate.

For the Opposite Party: APP

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL ORDER

2 19-02-2019

Heard learned counsel for the petitioners and learned APP for the State.

2. The petitioners apprehend their arrest for the offences alleged under Sections 406, 420, 467, 468, 471, 120(B) of the Indian Penal Code registered in connection with Buxar (Town) P.S. Case No. 560 of 2018.

3. It is submitted that the petitioners have been falsely implicated in connection with alleged non-repayment of the loan of Rs. 10,55,000/- taken by the petitioners from the Bank. In any event the petitioners express their readiness to make payment of the entire outstanding amount of the Bank in instalments.

4. Be that as it may, in the event of the petitioners' arrest or surrender before the court below within six weeks from the date of communication of this order, let the above named petitioners be released on provisional bail on furnishing bail bond of Rs.10,000/- (ten thousand) each with two sureties of like amount each to the satisfaction of learned Chief Judicial Magistrate, Buxar in connection with Buxar (Town) P.S. Case No.



560 of 2018 subject to the conditions as laid down under Section 438 (2) Cr.P.C., and also subject to the following further conditions:

(i) That the petitioners shall start repayment in monthly instalments of Rs. 1,00,000/-, the first of which shall be paid before the 1st March, 2019 and thereafter the succeeding instalments shall be paid before the first date of each successive month. The last instalment would comprise of the remaining amount below Rs. 1,00,000/-. Failure to make payment of two consecutive instalments shall result in automatic cancellation of provisional bail.

(ii) That one of the bailors shall be a close relative of the petitioners.

(iii) That the petitioners shall not indulge in any similar offence till conclusion of the trial.

(iv) That the petitioners shall cooperate with the investigation, if not already concluded, and make themselves available as and when so required and in case of failure, the State shall be at liberty to move for cancellation of bail.

(v) That the petitioners shall remain physically present in Court on each and every date during trial and in the event of failure on two consecutive dates without sufficient reason, their bail bonds shall be liable to be cancelled by the learned Court concerned.

5. The provisional bail shall stand confirmed upon repayment of the entire dues of the Bank together with up-to-date interest.

(Vikash Jain, J)

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