

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16292 of 2019

Arising Out of PS. Case No.-257 Year-2018 Thana- GOPALGANJ TOWN District-
Gopalganj

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ANWAR HUSSAIN Son of Wajid Hussain, Resident of Village - and P.S.-
Uchkagaon, Distt.- Gopalganj.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Md. Rashid Alam
For the Opposite Party/s : Mr.Pradeep Narain Kumar

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN
ORAL ORDER

2 25-03-2019 Heard learned counsel for the petitioner, learned counsel
for the State Bank of India and learned APP for the State.

2. The petitioner apprehends his arrest for the offences
alleged under Sections 406/420/467/468/471/120(B)/34 IPC
registered in connection with Gopalganj (Nagar) P.S. Case No.
257 of 2018.

3. It is submitted that the petitioner has been falsely implicated
on the accusation that he has obtained gold loan from the State
Bank of India (SBI) against gold deposited by the petitioner after
valuation by the Bank's valuer, but the gold was found to be of
lower purity upon re-valuation. It is alleged that the petitioner
had acted in connivance with the Bank's valuer for the higher
valuation of the gold. In any event, learned counsel for the
petitioner submits that the petitioner expresses his willingness to
repay the outstanding amounts of the bank against the loan taken
by them.

4. Learned APP assisted by learned counsel for the SBI
appear and have been heard. It is submitted on behalf of the bank
that an amount of Rs. 8,22,190/- is outstanding against the



petitioner in respect of two gold loan accounts.

5. Be that it may, in the event of petitioner arrest or surrender within four weeks hereof let the above named petitioner be released on provisional anticipatory bail on furnishing bail bond of Rs.10,000/- [ten thousand] each with two sureties of like amount each to the satisfaction of learned CJM, Gopalganj in connection with Gopalganj (Nagar) P.S. Case No. 257/2018 subject to the conditions as laid down under Section 438(2) Cr.P.C. and also subject to the following further conditions:

(i) That one of the bailors shall be a close relative of the petitioner.

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

(iii) That 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.

(iv) The petitioner 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, his bail bond shall be liable to be cancelled by the learned Court concerned.

6. The provisional bail shall be confirmed upon verification that the total amount outstanding against the petitioner up-to-date together with interest thereon is repaid by the petitioner, after granting credit for any amount if any, paid by him subsequently, in eight equal monthly instalments, the first of which shall be paid by 30th of April, 2019 and the remaining instalments by the end of each succeeding month, and also subject to issuance of no dues certificates by the bank to the petitioner.

7. If the petitioner fails to pay two consecutive



instalments as stipulated above, the provisional bail shall automatically stand cancelled.

(Vikash Jain, J)

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