

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33312 of 2019

Arising Out of PS. Case No.-373 Year-2018 Thana- GAYA KOTWALI District- Gaya

Akhouri Gopal aged about 62 years Male, Chairman Pareena Motors Pvt. Limited , Gaya, son of Late Akhouri Vanshidhar, Resident of Vanshi Sadan, Chand Choura, P.S.- Vishnupad, District- Gaya.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Chief Manager, Bank of Baroda, Debt Recovery Branch, Patliputra Branch, Patna

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Samrendra Kumar Jha

For the Opposite Party/s : Mr.Suresh Prasad Singh

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

11 18-12-2019 Petitioner apprehends his arrest in connection with Kotwali P.S. Case No. 373 of 2018 registered for the offences punishable under Sections 406, 420, 34 of the Indian Penal Code, 1860.

The allegation against the petitioner is that the petitioner mortgaged a property before the Bank of Baroda (hereinafter referred to as 'the Bank') and obtained a loan of Rs. 12,48,65000/- against the piece of land mortgaged by the petitioner and other collateral security. It has further been alleged that the petitioner has sold the mortgaged property to third party vide Sale Deed No. 3765 on 06.03.2012 without liquidating the entire loan amount of the Bank.

The matter was heard on various dates and lastly on



16.10.2019 both the parties i.e. the petitioner as well as the Bank had agreed that if the petitioner deposits a sum of Rs. 52,00000/- after selling the property acquired through Deed No. 8139 dated 28.05.2015, the Bank will have no objection in grant of bail to the petitioner.

Learned counsel for the petitioner submits that a sum of Rs. 52,00000/- has already been deposited with the bank in pursuance of the order dated 16.10.2019 of this court.

Mr. Vivek Prasad, learned counsel appearing for the Bank accepts that the petitioner has already deposited Rs. 52,00000/- as mentioned in the order dated 16.10.2019 before the Bank on 12.12.2019. Learned counsel for the Bank further submits that grant of bail to the petitioner may not prejudice the right and contention of the Bank before other forums.

Having heard learned counsel for the parties and taking into consideration the fact that the petitioner has deposited the value of the land which was mortgaged, rather more than the value of the land which was mortgaged by the petitioner i.e. Rs. 52,00000/-, I am inclined to grant anticipatory bail to the petitioner without being prejudiced to the right and contention of both the parties.

Accordingly, let the petitioner, above named, in the



event of his arrest or surrender before the court below within four weeks from the date of receipt of a copy of this order, be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Gaya in connection with Kotwali P.S. Case No. 373 of 2018, subject to the condition as laid down under Section 438(2) of the Code of Criminal Procedure.

(Anil Kumar Sinha, J)

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