

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37481 of 2018

Arising Out of PS. Case No.-40 Year-2018 Thana- BELHAR District- Banka

Deepak Kumar, Son of Indradeo Rai, Resident of Village- Janidih, P.S. Ghogha, District- Bhagalpur.

... .. Petitioner/s

Versus

1. State Of Bihar
2. The Branch Manager, UCO, Bank, Belhar Branch, District- Banka.

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Ranjan Kumar Jha
For the Opposite Party/s	:	Mr.Sri Lakshmi Kant Sharma
For the UCO Bank	:	Mr. Ranjeet Kumar Pandey, Advocate

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

8 26-09-2019 Heard Mr. Ranjan Kumar Jha, learned counsel for the petitioner and Mr. Ranjeet Kumar Pandey, learned counsel appearing on behalf of UCO Bank.

Petitioner apprehends his arrest in connection with Belhar P.S. Case No.40 of 2018, for the offence punishable under Sections 406, 409, 419, 420, 467, 468/34 of the Indian Penal Code.

The allegation against the petitioner is that he was appointed as recovery agent of the UCO bank, i.e, Opposite Party No.2 and the petitioner being the recovery agent had lifted three tractors from the possession of the borrower but the same were not handed over as per the terms and conditions entered into between the Bank and the petitioner's company of which



the petitioner is local agent and the person responsible for the same.

Mr. Ranjan Kumar Jha, learned counsel for the petitioner submits that without prejudice to the rights and contentions of the petitioner, he is ready to hand over all the three tractors bearing Registration No.BR-10G-8561, BR-10G-9784 and BR-51A-6245 to the Bank within three weeks.

Learned counsel for the Bank opposes the prayer for anticipatory bail and submits that petitioner has been illegally keeping the vehicles of the bank for the last three and a half years and he does not deserve the privilege of anticipatory bail.

Having regard to the submissions made by the parties and taking into consideration the fact that petitioner is ready and willing to hand over and return all the three tractors which are in possession of the petitioner right now and the petitioner is raising a dispute of payment of his commission amount from the Bank, as such, I am inclined to grant anticipatory bail to the petitioner, subject to the condition that he will return all the three tractors lifted by him on behalf of Bank positively within three weeks with the concerned official of the Bank.

Accordingly, the petitioner, above named, is directed to surrender before the learned Court below within a period of



four weeks from today and in the event of surrender by him, he shall be released on anticipatory bail by the Court below upon furnishing bail bond of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned C.J.M., Banka, subject to the condition as mentioned under Section 438 (2) of Cr.P.C.

It is made clear that at the time of surrender and furnishing bail bond, the proof of handing over the aforesaid three tractors in favour of Bank shall be produced by the petitioner along with his surrender-cum-bail application.

Accordingly, this application is disposed of.

(Anil Kumar Sinha, J)

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