

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44490 of 2019**

Arising Out of PS. Case No.-121 Year-2018 Thana- RAFIGANJ District- Aurangabad

Mantu Yadav Son of Late Ramashish Yadav R/o Village- Barahi, P.S.- Pauthu,
Distt.- Aurangabad.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Branch Manager, Co-Operative Bank, Rafiganj Branch, Rafiganj,
Aurangabad

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Amresh Kumar Sinha

For the Opposite Party/s : Mr.Parmeshwar Mehta

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 30-07-2019 Supplementary affidavit has been filed on behalf of
the petitioner. Same be kept on the record.

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

The petitioner seeks bail in a case registered under
Sections 409, 420 of the Indian Penal Code.

Allegation is that the petitioner has taken cash credit
loan of Rs.24,63,252.12/- for purchase of paddy for the period
2015-2016 and at present total amount including interest has
come up to Rs.29,95,713.51/-, but same has not been returned
by the petitioner.

It has been submitted on behalf of the petitioner that



the petitioner is in custody since 26.04.2019. There is no allegation of tampering of witnesses alleged against the petitioner.

Following statement has been made in paragraph 3 of the supplementary affidavit.

“3. That petitioner further submits that he would undertake to refund the amount of Rs.2,00,000/- (two lakhs) within one month of release from jail custody and thereafter in 17 equal installments within next 17 months, meaning hereby that total amount would be paid within 18 months from date of release from jail custody.”

On behalf of the State, it is submitted that the petitioner is named in the complaint case/F.I.R.

The entire outstanding amount is Rs.29,95,713.51/=. The petitioner undertakes to deposit the entire amount within a period of 18 months from the date of release.

Considering the aforesaid facts and circumstances, let **the petitioner, above named, be released on provisional bail** on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned C.J.M., Aurangabad in connection with Rafiganj P.S. case No.121 of 2018.



If the petitioner deposits the entire amount of Rs.29,95,713.51/- as per the statement above referred, the provisional bail granted to the petitioner will be confirmed by the court below itself. It is made clear that entire said amount will be deposited in the court below subject to result of the case.

If the petitioner fails to comply with the aforesaid statement made in the supplementary affidavit, the court below will be at liberty to cancel the provisional bail granted to the petitioner.

(Sudhir Singh, J)

Narendra/-

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