

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.3558 of 2020

Arising Out of PS. Case No.-4 Year-2017 Thana- BUXAR INDUSTRIAL District- Buxar

BABLU UPADHYAY @ BABLOO UPADHYAYA Son of Vidyadhar Upadhyay Resident of Village - Charitravan, Sumeshwar Asthan, Central Jail Road, P.S.- Buxar Town, District- Buxar. Permanent resident of Village - Mathiya, P.S.- Ramgarh, District- Kaimur (Bhabua)

... .. Petitioner/s

Versus

1. The State of Bihar
2. Canara Bank, through its Senior Manager, Branch Buxar, District- Buxar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Sanjay Kumar, Adv.
For the State	:	Mr. Murli Dhar, APP
For the Canara Bank	:	Mr. Ratnesh Nandan Sinha, Adv.

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

3 28-05-2020 The matter has been taken up through virtual Court proceeding.

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

The petitioner is languishing in custody since 19.12.2019 in a case registered for the offences punishable under Sections 406 and 420 of the Indian Penal Code.

The prosecution case got initiated on the basis of written report of Sunil Kumar, Manager, Canara Bank, Jaso Branch, Buxar submitted before the Station House Officer, Buxar Industrial Police Station is to the effect that the



petitioner and his mother, Vimla Devi took a loan of Rs.10,50,000/- for purchase of a vehicle and consequently a demand draft of Rs.10,50,000/- was issued in the name of Rohit Auto Mobile, Ara. The said demand draft was deposited in the recurring bank account of Bank of India, Lalganj branch, Buxar. Subsequently, it was found that the petitioner has neither purchased the vehicle nor repaying the loan amount.

It is submitted by learned counsel for the petitioner that the loan was sanctioned in the name of the petitioner for the purpose of purchase of a vehicle, but the petitioner never bought the vehicle against the loan amount of the vehicle. The demand draft was issued in the name of such Rohit Auto Mobile agency which in fact, is not in existence. However, the petitioner is ready to repay the entire loan amount in installments. A statement to that effect has been made in paragraph no.16 of the petition, which reads as under :-

“That now the petitioner undertakes before this Hon’ble Court to deposit the whole amount in installment within six months. To the petitioner’s knowledge a total amount of Rs. about 11 lakhs is due against the petitioner on 31.12.2019. Since the petitioner is ready



to pay the loan he deserves to get the privilege of bail in the present case. For repayment of loan his presence is necessary.”

Learned counsel for the informant submits that the petitioner has fraudulently got sanctioned the loan from the Canara Bank for purchase of a vehicle, but did not purchase the vehicle and hence misappropriated the loan amount.

Learned APP for the State submits that the accusation is specific against the petitioner.

Considering the fact that the petitioner ready to return the loan amount of Rs.10,50,000/- in installments coupled with the fact that the petitioner is not having any criminal antecedent, let the petitioner above named be released on bail for the present provisionally for a period of six months on furnishing one surety to the satisfaction of the learned CJM, Buxar, in connection with Buxar Industrial Area P.S. Case No.04 of 2017.

However, in view of the present pandemic COVID-19, it will be open for the learned Court below to accept the bail bond on furnishing an undertaking by the surety, on photo copy of his Aadhar Card, to the effect that he is ready to become the bailor of the petitioner which may be transmitted by



such surety to the learned Court concerned through e-mode.

The provisional bail of the petitioner will be confirmed by the learned Court below on verification of proof with regard to payment of entire loan amount, on furnishing bail bond of Rs.10000/- (ten thousand) with two sureties, including one surety given at the time of provisional bail, of the like amount each to the satisfaction of the learned CJM, Buxar, in connection with Buxar Industrial Area P.S. Case No.04 of 2017.

The learned Court below is at liberty to further extend the period of provisional bail if the lock down is not over in next three months.

(Dinesh Kumar Singh, J)

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