

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.7976 of 2020

Arising Out of PS. Case No.-45 Year-2016 Thana- JIRADEI District- Siwan

PHILIP MICHAEL Son of Late Michael Joseph Resident of House No. 45,
Fair Field Colony, P.O. and P.S.- Digha, District- Patna, Pin-800011

... .. Petitioner/s

Versus

1. The State of Bihar
2. State Bank of India through the Branch Manager, Jiradei Branch, P.S.-
Jiradei, District- Siwan Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. (Dr.) Amrendra Kumar Mrs. Sanjana, Advocates
For the Opposite Party/s	:	Mr. Rabindra Kumar, APP
For SBI	:	Mr. Rakesh Kumar Singh, Advocate

CORAM: HONOURABLE MR. JUSTICE S. KUMAR
ORAL ORDER

2 29-02-2020 Heard learned counsel for the petitioner and learned
counsel for the State.

The petitioner apprehends his arrest in a case
registered for the offence punishable under Section 420, 406 of
the Indian Penal Code.

Informant has alleged that Housing loan of
Rs.8,00,000/- was sanctioned to the accused Sawar Alam on
16.03.2012 by the informant's branch. It is further alleged that
Md. Munna was the guarantor of the borrower but it is alleged
that borrower has spent the loan amount in some other manner
in stead of constructing his house and he has not deposited even
a single instalment (EMI), which proves the fraud committed



by the borrower accused.

It has been submitted on behalf of the petitioner that he is innocent and has been falsely implicated in this case due to some confusion and at the instance of his enemies. Neither petitioner was named in the FIR nor he was posted in the said Branch at any point of time and at the relevant time, the petitioner was posted in the office of RCPC, Siwan as loan processing officer and his work was limited to the extent of processing the file of loan proposal on the basis of recommendations, documents provided by the then Branch Manager of the SBI, Jiradei Branch and to put up the required documents of the applicant to the sanctioning authority, who was the Chief Manager, RCPC, Siwan. Petitioner has no criminal antecedent.

Considering the aforesaid facts and circumstances of the case, let the petitioner named above be released on bail, in the event of his arrest or surrender before the court below within a period of four weeks from today, on furnishing bail bond of Rs. 20,000/- with two sureties of the like amount each to the satisfaction of learned court below where the case is pending in connection with Jiradei P.S. Case No.45 of 2016 subject to the condition as laid down under Section 438(2) of the Cr.P.C with



following conditions:-

(1) Bailors should be local having sufficient immovable property within the jurisdiction of the court concerned.

(2) Petitioner shall co-operate in the trial and shall be present on each and every date fixed by the court and his absence on two consecutive dates without proper and reasonable reason will be sufficient to cancel his bail bond.

(3) If the petitioner tampers with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioner.

(S. Kumar, J)

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