

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12217 of 2020

Arising Out of PS. Case No.-112 Year-2018 Thana- KOTWALI District- Munger

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MD. KHURSHID KHAN @ KHURSHID KHAN @ ALAM, Son of Late
Chhote Khan, Resident of Village - Dilawarpur, P.S.- Kotwali, District -
Munger.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ajay Thakur, Adv.
For the Opposite Party/s : Mr. J. N. Thakur, APP

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL ORDER

3 02-06-2020 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
25.11.2019 in a case registered for the offences punishable
under Sections 467, 468, 471 and 420/34 of the Indian Penal
Code.

The prosecution as per written report of Sr. Branch
Manager, Syndicate Bank, Chowk Bazar, submitted before the



S.H.O., Munger Kotwali Police Station is to the effect that in the year 2012, the credit facilities were granted to the business house of the petitioner, namely, M/s Flex Shoe House and in the credit and security of the said loan, the petitioner, Md. Khurshid Khan mortgaged certain document of property. Though, the petitioner made payment of installment of loan amount for certain time, but thereafter, the payment was not made and during verification, the document of the property which was mortgaged at the time of sanctioning of loan amount was found forged.

It is submitted by learned counsel for the petitioner that the total loan amount is of Rs.8,00,000/-. In fact, the property documents which were mortgaged, were not forged, but the petitioner failed to make repayment of the loan amount since the business house of the petitioner went to a non-performing assets. However, the petitioner is ready to repay the up to date loan amount in installments within a period of six months. Though no statement to that effect has been made in the petition.

Learned APP for the State submits that the petitioner took loan amount of Rs.8,00,000/- from the bank on submitting forged property document as mortgage.



Considering the fact that the loan is admitted and the petitioner is ready to make repayment of the up to date loan amount in installments within six months and investigation already being concluded 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 learned CJM, Munger, in connection with Kotwali P.S. Case No. 112 of 2018.

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 production of substantial proof issued by the concerned bank showing payment of entire loan amount in connection with the present case, 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, Munger, in connection with Kotwali P.S. Case
No. 112 of 2018.

(Dinesh Kumar Singh, J)

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