

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 76828 of 2018

Arising Out of PS. Case No.-342 Year-2016 Thana- GHOSI District- Jehanabad

Ranjit Kumar S/o Ram Chandar Prasad, R/o Village-Arhit Daulatpur, P.S.- Ghosi, District-Jehanabad. Present R/o-Vill.-Malikana Road, P.S.-Masaurhi, Distt.-Patna.

... .. Petitioner/s

Versus

1. State of Bihar
2. Manish Kumar S/o Arbind Sharma, R/o Vill P.O.-Rewan, Distt.-Patna, Present Branch Manager, Madhya Bihar Gramin Bank, Okari, Jehanabad.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Lallu Prasad
For the Opposite Party/s : Sri Rajendra Singh Shastriji

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

12 05-03-2020 A counter affidavit has been filed on behalf of the Bank.

Let it be kept on record.

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

The petitioner has filed the instant application for grant of anticipatory bail apprehending his arrest in connection with Ghosi P.S. Case No.342 of 2016 registered for the offence under sections 406, 409 and 420 of the Indian Penal Code.

As per allegation in the F.I.R, the Bank had sanctioned loan to the petitioner for running a 'Masala' Mill and against the said loan the petitioner had mortgaged certain property with the Bank. It is stated that in course of enquiry by the officers of the



Bank it transpired that the petitioner had sold the hypothecated property and as such the F.I.R.

It is submitted by learned counsel for the petitioner that the allegations as levelled in the F.I.R. are false. It was categorically submitted that the hypothecated property has not been sold till today and that the petitioner was ready to give all the loans taken. The petitioner in paragraph 12 of the petition further mentions about the amount that he had deposited with the Bank. It is further submitted that the petitioner has no criminal antecedent.

A counter affidavit has been filed on behalf of the Bank (wrongly described as opposite party nos.1 to 3) wherein it has been stated that the officers of the Bank visited the 'Masala' Mill on 11.8.2016 where the petitioner was not present and on enquiry it was found that neither the 'Masala' Mill is in the name of the petitioner nor he stays on the said address.

Having heard learned counsel for the parties and taking into consideration the averments made in the affidavit, it transpires that with respect to the categorical statement of the petitioner that he has not sold the hypothecated property, there is no categorical reply by the Bank nor any supporting document to contradict the said statement.



In view of the facts and circumstances of the case, this Court is inclined to enlarge the petitioner on bail. The petitioner is directed to surrender in the Court below within a period of six weeks from today and in the event of his arrest or surrender in connection with Ghosi P.S. Case No. 342 of 2016, he will be enlarged on bail on furnishing bail bond of Rs 10,000.- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate 1st Jehanabad subject to the conditions as laid down in section 438 (2) of Criminal Procedure Code.

(Partha Sarthy, J)

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