

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25514 of 2020

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

Md. Sarwar Alam @ Mohammad Sarwar Alam, Son of Late Raj Mahammad,
Resident of Village- Gaziapur Bedauliya, P.S.- Andar, District- Siwan.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Javed Aslam, Advocate.

For the Opposite Party/s : Mr. Pramod Kumar Pandey, APP

**CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR
MISHRA**

ORAL ORDER

2 02-11-2020 In view of the submission and undertaking of the learned counsel for the petitioner, at the time of hearing of this application through Video Conferencing, that he would remove the defect(s), as pointed out by the stamp reporter, within two weeks of starting of the Court proceeding in physical mode, he is permitted to remove the same accordingly.

Heard learned counsel for the petitioner and the learned A.P.P. appearing for the State through Video Conferencing.

The petitioner apprehends his arrest in connection with Jiradei P.S. Case No. 45 of 2016, registered under Sections 420 and 406 of the Indian Penal Code.

The accusation is that on the application of the



petitioner, Rs.8,00,000/- was sanctioned on 16.03.2012 by the State Bank of India, Jiradei Branch, Siwan and the said amount was received in several installments till 20.12.2012 but the petitioner did not construct the house on the proposed land and expended the loan amount in other purpose and the petitioner has also not paid any installments of the loan amount.

Learned counsel for the petitioner submits that, admittedly, petitioner had taken the loan amount of Rs.8,00,000/- for construction of the house but due to need of more money, house of the petitioner could not be completed. In fact, petitioner has deposited Rs.7,17,063/- in different installments in several dates, as detailed in the statement of the State Bank of India, Jiradei, Siwan, (Annexure 2, Page 17 of the petition) and petitioner undertakes that he will pay the remaining loan amount on getting up-to-date statement from the State Bank of India within six weeks.

In view of submission of learned counsel for the petitioner, let the above named petitioner be released on bail, in the event of his arrest or surrender within a period of six weeks from today, on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned A.C.J.M.-I, Siwan, 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, for six months. The petitioner is directed to pay the remaining loan amount within six months and furnish the “No Dues Certificate” from the State Bank of India, Jiradei Branch, Siwan and submit the same before the A.C.J.M.-I, Siwan. If the remaining loan amount is paid within six months, the learned A.C.J.M.-I, Siwan shall confirm the provisional pre-arrest bail of the petitioner. In case petitioner fails to obtain the “ No Dues Certificate”, the learned A.C.J.M.-I, Siwan, would be at liberty to cancel the provisional pre-arrest bail of the petitioner.

Accordingly, this application stands disposed of.

(Rajendra Kumar Mishra, J)

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