

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.76481 of 2019

Arising Out of PS. Case No.-261 Year-2019 Thana- LAHERIMUHALLA District- Nalanda

Md. Iftekhar Hasan @ Md. Iftekar Hasan @ Md. Iftekhar Hussain Son of
Late Md. Kaleem Uddin @ Md. Kalimuddin Resident of Mohalla- Khankah,
Katrapar, Post- Biharsharif, P.S.- Laheri, District- Nalanda (Bihar), 803101

... .. Petitioner

Versus

1. The State of Bihar
2. Randhir Kumar (Chief Manager), UCO Bank, Zonal Office, Patna

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Aaruni Singh

For the Opposite Party/s : Mr .Kumar Veerendra Narayan

CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH
ORAL ORDER

4 19-06-2020 Heard learned counsel for the petitioner, learned
counsel for the State and learned counsel for the UCO Bank via
video conferencing.

The petitioner has filed the present application for
grant of pre-arrest bail in connection with Laheri P.S. Case No.
261 of 2019 registered for the offence punishable under Sections
447, 448, 188, 406 and 384/34 of the Indian Penal Code.

It is contended by the learned counsel for the
petitioner that the entire case has been filed maliciously. The
ingredients of the offence as alleged in the FIR are not attracted.
Save and except Sections 406 and 384 of the Indian Penal Code,
all other Sections are bailable in nature. There is no allegation of



removal of hypothecated land and, hence, no case of criminal breach of trust would be made out. There is also no overt act alleged against the petitioner and, therefore, none of the ingredients of the offences of extortion would be attracted in the facts and circumstances of the case.

Learned counsel appearing for the State and learned counsel appearing for the UCO Bank have vehemently opposed the application for grant of pre-arrest bail to the petitioner. They submitted that a loan was given to the Tallat Najneen Jakiya, daughter of Md. Kalimuddin by the UCO Bank, Biharsharif, Nalanda Branch against the property pertaining to Mauza-Karampur (Paharpur) Katrapar, P.S. Laheri, District-Nalanda and due to non-payment of loan money, eventually the Bank had taken physical possession of the property in exercise of powers conferred under Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 on 20.06.2019, for which the District Magistrate, Biharsharif, Nalanda had appointed the District Child Development Project Officer, Biharsharif as the Executive Magistrate, Biharsharif. Subsequently, the petitioner and others broke the seal put by the Bank and forcibly and illegally took possession of the land, about which, a *Sanha* was lodged on 04.07.2019. They



contended that since the petitioner and others have violated law and illegally took possession of the property, ingredients of the offence should be attracted.

Considering the nature of allegation, the submissions advanced at the bar, the petitioner is directed to be released on bail in the event of his arrest or surrender before the court below, on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned C.J.M., Nalanda at Biharsharif in connection with Laheri P.S. Case No. 261 of 2019, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

(Ashwani Kumar Singh, J)

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