

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.72147 of 2019

Arising Out of PS. Case No.-746 Year-2019 Thana- MADHEPURA District- Madhepura

SMT. SONAM RAJ @ SONAM RAJ W/o Ritesh Kumar Resident of
Mohalla- Anand Bihar, Madhepura, Ward No. 08, P.S. and District-
Madhepura.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Sunil Kumar Mishra, Branch Manager, State Bank of India, A.D.B. Branch,
Madhepura.

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Sanjay Kumar Singh, Adv
For the Opposite Party/s	:	Mr.Satyendra Narayan Singh, APP
For S.B.I.	:	Mr. Rakesh Kumar Singh, Adv

CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL ORDER

2 17-01-2020 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

The petitioner is apprehending his arrest in a
case registered for the offences punishable under Section 409 of
the Indian Penal Code.

According to FIR, the petitioner had taken loan
from the Bank for purchase of a vehicle. Allegation is that
neither the petitioner nor the vehicle is available for recovery of
loan.

Learned counsel for the informant submits that
till 2018 the petitioner had regularly deposited the refund of
loan as per agreed installment. Even the vehicle is still with the



petitioner and entire allegation is just to pressurize by filing a criminal prosecution though the matter is of civil dispute. Different reasons including non-availability of the money might be a cause of non-refund of subsequent installments and for each and every default/non-performance it cannot be inferred that the petitioner was carrying dishonest and fraudulent intention.

Learned counsel for the Bank opposed the prayer for anticipatory bail.

Considering the substance in the submission of learned counsel for the petitioner, let the petitioner, above named, in the event of his arrest or surrender before the court below within a period of thirty days from the date of receipt of the order, be released on bail on furnishing bail bond of Rs.20,000 (Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned court below where the case is pending in connection with Madhepura P.S.Case No.746 of 2019, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure as well as the petitioner shall not leave the country without permission of the learned Trial Court and further the petitioner shall fully cooperate with the investigation/trial of the case, failing which



the court below shall be at liberty to cancel the bail bond of the
petitioner.

(Birendra Kumar, J)

Nitesh/-

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