

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.84946 of 2019

Arising Out of PS. Case No.-202 Year-2019 Thana- SOHSARAI District- Nalanda

Jitendra Saw @ Jitendra Prasad, Son of Umesh Saw, Resident of Village -
Sohsarai Hanuman More, P.S.- Sohsarai, Distt - Nalanda.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. The State Bank of India through Branch Manager, S.B.I. Branch, Bari
Pahari, Biharsharif, Nalanda.

... .. Opposite Party/s

Appearance :

For the Petitioner	:	Mr.Anil Kumar Singh, Advocate
For the State	:	Mr.Rana Randhir Singh, APP
For the Informant	:	Mr. Rana Baljit Singh, Advocate

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

4 22-06-2020 The matter has been taken up through virtual Court
proceeding.

Heard learned counsel for the petitioner, learned
counsel appearing for the State and learned counsel appearing
for the informant.

The present application has been preferred on
behalf of the petitioner for grant of bail in connection with a
case registered for the offences punishable under Sections 420,
406, 467, 468, 471 and 120B/34 of the Indian Penal Code.

The prosecution case, as per the written report of
Arun Kumar submitted to the Station House Officer, Sohsarai
Police Station, is to the effect that in 2018, the informant was
residing in the rented house of the petitioner. On 27.08.2018, the



informant purchased 1.938 decimals of land along with house from the petitioner, for which, he paid Rs.20,00000/- (Twenty lakhs) through cheque and Rs.15,00000/- (Fifteen lakhs) in cash as consideration amount. Subsequently, on 30.07.2019, the officials of State Bank of India, Bari Pahari Branch came and affixed a notice with regard to the fact that in 2015, the wife of the petitioner, Sunita Devi had taken loan of Rs.10,00000/- (Ten lakhs) from State Bank of India for purpose of save the property purchased by the informant and thereafter, the informant also came to know that in 2013 the petitioner had transferred the land in question in the name of his wife, Sunita Devi.

It is submitted by learned counsel for the petitioner that the petitioner admits that in 2013, he had transferred the land in question in favour of his wife, Sunita Devi, who had taken loan of Rs.10,00000/- (Ten lakhs) from State Bank of India, but subsequently, in pursuance to the observation of the learned Court below, the wife of the informant has transferred the land in question in favour of the brother of the informant and still the petitioner is ready to make repayment of the loan amount. A statement has been made in paragraph no.3 of the petition that the petitioner is not having any criminal antecedent.

It appears that vide order dated 07.01.2020, the



petitioner was granted provisional bail and the matter was referred to the Mediation Centre. The report of the Mediator kept at Flag 'M' reflects that the mediation has failed.

Learned counsel for the informant submits that the learned court below had given liberty to the wife of petitioner to transfer the land in favour of the informant but instead of transferring the land in question in favour of the informant, the wife of the petitioner has transferred the land in question in favour of the brother of the informant.

Considering the fact that this is not in dispute that now the wife of the petitioner has transferred the land in question in favour of the brother of the informant through registered sale deed and the petitioner is ready to make repayment of the loan amount to the bank in question, there is nothing on record that petitioner has misused the privilege of provisional bail, let the same granted to the petitioner vide order dated 07.01.2020 is extended till 2nd November, 2020 in connection with Sohsarai P.S. Case No. 202 of 2019, pending in the Court of learned Chief Judicial Magistrate, Nalanda at Biharsharif.

The provisional bail of the petitioner will be confirmed by the learned Court below on repayment of the loan



amount to the bank in question by the petitioner.

Accordingly, this application is disposed of.

(Dinesh Kumar Singh, J)

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