

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39291 of 2023

Arising Out of PS. Case No.-155 Year-2016 Thana- DANAPUR District- Patna

Pramod Kumar Son of Ram Lagan Prasad @ Ram Lagan Mistry R/O-Chotki
Pahari, P.S.-Agamkua, Distt.-Patna

... .. Petitioner/S

Versus

1. The State of Bihar
2. The Branch Manager, Punjab National Bank Branch, B.R.C., Cantt. Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rakesh Bihari Singh, Advocate
For the Opposite Party/s : Mr. Nirmal Kumar Sinha, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 26-07-2023 Heard learned counsel appearing on behalf of the
petitioner and learned counsel appearing on behalf of the State.

2. Let the defect(s), if any, be removed within a
period of four weeks from today.

3. The petitioner seeks bail in connection with
Danapur P.S. Case No. 155 of 2016 registered for the offence
under Sections 406 and 420 of the Indian Penal Code.

4. The accused/petitioner is named in the F.I.R. and
is in custody since 28.01.2023.

5. The allegation against the petitioner is to obtain a
loan total of Rs. 40 Lakhs, where Rs. 15 Lakhs was under
CTGMSC Scheme and rest of Rs. 25 Lakhs was under term loan
from the informant/bank i.e. Punjab National Bank. It is further



alleged that on demand, a cheque of Rs. 2 Lakhs was given to bank but same was dishonoured in want of fund for which a separate case under Section 138 of N.I. Act was lodged by informant.

6. Learned counsel appearing on behalf of the petitioner submitted that the petitioner received loan from informant after proper scrutiny of his documents and as he suffered a loss during Covid-19, he failed to repay the loan amount, for the recovery of which a separate process under law is available and as such, the present criminal proceeding is only the abuse of process. It is submitted that even if the statement of informant be taken into consideration, a separate case has already lodged for dishonouring cheque under Section 138 of N.I. Act. It is submitted that dispute is purely related with recovery of loan and the implication of petitioner in the background of allegation as raised through present F.I.R., is not appearing convincing. While concluding the argument, it has been submitted that petitioner found involved in one more criminal case, where he is on bail and moreover, investigation of this case has been completed, for which, charge-sheet has been submitted, as such, there is no chance of tampering with the evidence.



7. Learned APP opposes the prayer of bail.

8. Considering the facts and circumstances as mentioned above, as implication of this petitioner appears, *prima facie*, due to non-payment of loan and dishonouring of cheque issued by him for which a separate proceeding has already instituted under Section 138 of N.I. Act, coupled with the fact that charge-sheet has already submitted, where petitioner is in custody since 28.01.2023, accordingly, above named petitioner is directed to be released on bail in connection with Danapur P.S. Case No. 155 of 2016 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand only) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-I, Danapur, Patna/concerned court, subject to the conditions as mentioned under Section 437 (3) of the Cr.P.C.

(Chandra Shekhar Jha, J)

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