

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36413 of 2023

Arising Out of PS. Case No.-63 Year-2022 Thana- HALSI District- Lakhisarai

MANOJ KUMAR SON OF NAGESHWAR SINGH RESIDENT OF
VILLAGE- SETHNA, PO- SALAUNJA, PS- HALSI, DISTRICT-
LAKHISARAI, BIHAR

... .. Petitioner/s

Versus

1. The State of Bihar BIHAR
2. THE BRANCH MANGAR, DAKSHIN GRAMIN BANK, BRANCH
TETARHAT, LAKHISARAI BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Mithlesh Prasad Singh, Advocate
For the Opposite Party/s : Mr. Choubey Jawahar, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

3 19-07-2023 Heard the parties.

The petitioner is in custody since 30.04.2023 in connection with Halsi P.S. Case No. 63 of 2022 for the offence punishable under Sections 406, 420 & 379 of the IPC, 1860 lodged on 09.03.2022 by the informant, Ankur Kumar.

As per the prosecution story, the Branch Manager of the Dakshin Gramin Bank, Tetrahat, Lakhisarai alleged that this petitioner took loan of Rs. 45,00,000/- in 2016 which increased to Rs. 65,00,000/- and when he visited the premises of M/s Laxmi Agro Vermi Compost found the surety to be missing and in that way, the F.I.R was lodged.

Learned counsel for the petitioner has taken this court



to the different paragraphs to show that when the Covid-19 was at its peak, the bank put the mortgage land on auction and the petitioner's request was unheeded, he preferred SARFAESI Appeal vide SA Case No. 77 of 2022 in which the bank was put on notice on 03.03.2022. As an afterthought, this F.I.R has been lodged.

No one is representing on behalf of the bank.

Learned APP for the State has gone through the facts of the case.

Considering the fact that SARFAESI Appeal vide SA Case No. 72 of 2022 is already there where the outcome of which will result into the payment/ auction of the land. So far as the present case is concerned, he has remained in custody since 30.04.2023 (as stated in paragraph 31 of the bail application) and he do not have any criminal antecedent, this court is inclined to extend him the privilege of bail.

Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate 1st Class Lakhisarai in connection with Halsi P.S. Case No. 63 of 2022, subject to the following conditions:

(i) one of the bailor should be the family member of



the petitioner who shall provide official document to show his
bona fide;

(ii) the petitioner shall appear on each and every date
before the Trial Court and failure to do so for two consecutive
dates without plausible reason will entail cancellation of his bail
bond by the Trial Court itself;

(iii) the petitioner shall in no way try to induce or
promise or threat the witnesses or tamper with the evidences,
failing which the State shall be at liberty to take steps for
cancellation of the bail bonds;

(iv) the petitioner shall desist from committing any
criminal offence again, failing which the State shall be at liberty
to take steps for cancellation of his bail bonds.

With the aforesaid observations, the bail application is
allowed.

(Rajiv Roy, J)

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