

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41078 of 2023

Arising Out of PS. Case No.-143 Year-2022 Thana- JAMALPUR District- Munger

Chandan Kumar Son Of Late Ramotar Paswan Resident Of Village- Ward
No.06, Nayagaon Durgasthan, Ps- East Colony, Jamalpur, District- Munger
... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Swami Parth Sarthy, Advocate
For the Central Bank of India	:	Mr. Nishi Nath Ojha, Advocate
For the State	:	Mr. Chandra Bhushan Prasad, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 17-10-2023 Heard learned counsel for the petitioner, learned
counsel for the Central Bank of India as well as learned
Additional Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in connection with Jamalpur P.S. Case No.143 of 2022, F.I.R. dated 12.08.2022 registered for the offence punishable under Sections 406, 420, 421, 422, 120(B), 34 of the IPC.

3. The prosecution case, in short, is that Urmila Devi had taken cash credit of Rupees Thirty three Lac from Central Bank of India, Jamalpur for Maa Tara-Enterprises for which land of Tauji no. 5439, Thana no. 11, Khata No. 33, Municipality Plot no. 2871, Holding no. 134/534, Ward No. 3, Sheet no. 33, Jamabandi No. 896, total area 07 dhur 10 dhurki were kept mortgaged. Chandan Kumar was guarantor. Urmila



Devi has also taken house loan from Central Bank, Jamalpur Branch on 26.03.2020 of Rs.24,88,000/-. Chandan Kumar was also guarantor in that account. When the debtor did not paid the amount, the informant came to know that Urmila Devi, Kiran Kumari have sold the land to Shubham Kumar. Kiran Kumari is non other then daughter of Urmila Devi. They have sold the land already mortgaged to the Bank. It appears that Urmila Devi, Chandan Kumar and Kiran Kumari knowingly made forgery dishonestly under conspiracy and misused the public money for their own benefit.

4. Pursuant to the direction of this Hon'ble Court dated 11.08.2023, learned counsel for the Central Bank of India has produced a settlement letter, which suggests that Bank is ready to redeem the entire amount of Rs.57,88,000/- within a period of two years.

5. Learned counsel for the petitioner submits that petitioner has clean antecedent. He has falsely been implicated in the present case. Further submits that he is ready to comply the terms and conditions as stated in the letter dated 05.09.2023 of the Bank.

6. Learned APP for the State, on the other hand vehemently opposed the prayer for anticipatory bail of the



petitioner.

7. Considering the aforesaid facts, 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 anticipatory bail on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Munger in connection with Jamalpur P.S. Case No.143 of 2022, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure and with other following conditions:-

(i) Petitioner shall deposit 25% of the outstanding aforesaid amount at the time of furnishing his bail bond to the Bank or his representative and rest of amount will be paid in twelve installments within a period of two years.

(ii) If the petitioner fails to pay any installment, the bank is at liberty to move before the court below for cancellation of his bail bond.

(iii) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on his absence on two consecutive dates without sufficient



reason, his bail bonds shall be cancelled by the Court below.

(iv) If the petitioner tamper with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of anticipatory bail.

(v) And, further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage, it is found that the petitioner has concealed his criminal antecedents, the court below shall take step for cancellation of anticipatory bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

Prakash Narayan

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