

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48512 of 2023

Arising Out of PS. Case No.-165 Year-2023 Thana- PURNEA SADAR District- Purnia

Manish Kumar Bhagat Son Of Rajendra Bhagat Resident Of Village-
Ananahal Road, Sardar Tola ,GULABBAGH, Ps- Sadar, Distt- Purnea
... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Md Fazle Karim, Advocate

For the State : Mr.Satyendra Narayan Singh, Addl Public Prosecutor

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

- 2 22-08-2023 Heard learned counsel for the petitioner and the State.
2. The petitioner apprehends arrest in a case registered for the offence punishable under sections 406/420 of the Indian Penal Code.
3. As per the prosecution case, petitioner took CC loan of Rs.26.50 lacs from the bank but he did not return the loan amount to the bank.
4. Learned counsel appearing for the petitioner submits that loan to the petitioner was secured loan and the petitioner had mortgaged his immovable property and also provided liquid security by means of fixed deposit of Rs.5 lacs. He submits that the petitioner is under the liability of repaying the loan amount and if he fails to repay the same, the bank can realize it by following the provisions of SARFAESI Act, as



such, no offence under sections 406/420 of the IPC is made out against the petitioner. In paragraph 15 of the bail petition, the petitioner avers that since the loan account of the petitioner is not declared on NPA, he is paying the loan amount and is ready to pay in future. Mere inability of the petitioner to return the loan amount cannot give rise to a criminal prosecution for cheating, unless fraudulent and dishonest intention is shown at the beginning of this transaction.

5. Considering the submissions of the petitioner, prayer for bail of the petitioner is allowed. In the event of arrest/surrender within six weeks from today, let the petitioner, mentioned above, be enlarged on bail on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of Chief Judicial Magistrate, Purnea in Sadar Police Station Case No. 165 of 2023, subject to the conditions laid down under section 438(2) of the Code of Criminal Procedure.

(Prabhat Kumar Singh, J)

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