

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47752 of 2022

Arising Out of PS. Case No.-556 Year-2021 Thana- GANDHIMAIDAN District- Patna

Kamala Kant Prasad Son Of Late Vishwanath Prasad Old R/O Village- - Chandrapura, P.S.- Dharmpur, District- Buxar. Now At Present R/O Mohalla- Ward No.-37, Mohalla- Lav Kush Nagar, Road No.-2, Machhli Talab, Purvi Gola Road, P.S.- Rupaspur, District- Patna.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. Anand Tanuja, Wife of Kamla Kant Prasad, Ward No.37, Mohalla Lav Kush Nagar, East Gola Road, P.S. Rupaspur, District Patna.
3. HDFC Housing Development Finance Corporation, 2nd Floor, Kedaruka Niwash, South Gandhi Maidan, P.S. Gandhi Maidan, Patna.

... .. Opposite Party/s

Appearance :

For the Petitioner	:	Mr. Ramakant Sharma, Senior Advocate
		Mr. Santosh Kumar Pandey, Advocate
For the State	:	Mr. Kumar Veerendra Narayan, APP
For the Informant	:	Mr. Mritunjay Kumar, Advocate
For HDFC Bank	:	Mr. Praveen Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

10 19-05-2023 Heard Mr. Ramakant Sharma, learned Senior Counsel assisted by Mr. Santosh Kumar Pandey for the petitioner, learned APP for the State, learned counsel for the informant as well as learned counsel appearing on behalf of HDFC Bank.

The petitioner apprehends his arrest in connection with Patna Gandhi Maidan P.S. Case No.556 of 2021, registered for the offences punishable under Sections 420, 467, 468, 471 and 120(B) of the Indian Penal Code.

The informant, who is wife of the petitioner, has alleged that the petitioner has mortgaged her house with the



Housing Development Finance Corporation Ltd. (HDFC) and took loan of Rs.19,95,000/- dated 28.10.2017, Rs.15,00,000/- dated 28.10.2017 and Rs.10,00,000/- dated 25.07.2019 in the name of the informant in collusion with officers of HDFC Bank and the said amount have been transferred in the account of the petitioner by making forge signature of the informant.

Learned counsel for the petitioner submits that petitioner is innocent and has falsely been implicated in the present case. The petitioner has got criminal antecedents as stated in paragraph-3 of the bail petition. It is further submitted that the petitioner is ready to pay back the due amount of alleged loan account no.643787327 amounting Rs.10,00,000/- and he managed Rs.2,50,000/- and remaining amount will also be paid very soon within a period of four months with interest. A Demand Draft of Rs.2,50,000/- is handed over to the learned counsel for the Bank in the Court.

Taking into consideration the facts aforesaid, let petitioner, above named, in the event of his arrest or surrender before the learned court below within a period of six weeks from today, be enlarged on **provisional anticipatory bail for a period of six months** on furnishing bail bond of Rs.25,000/- (rupees twenty five thousand) with two sureties of the like



amount each to the satisfaction of learned Chief Judicial Magistrate, Patna in connection with Patna Gandhi Maidan P.S. Case No.556 of 2021, subject to the conditions laid down under Section 438(2) of the Code of Criminal Procedure.

The learned court below shall confirm the bail bond of the petitioner after six months after verifying the fact that petitioner has already paid remaining loan amount, i.e., Rs.7,50,000/- with interest to the Bank.

Accordingly, this application is disposed of.

The office is directed to place the third supplementary affidavit filed by the petitioner on record.

(Anjani Kumar Sharan, J)

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