

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70060 of 2022

Arising Out of PS. Case No.-300 Year-2022 Thana- KOTWA District- East Champaran

RAUNAK KUMAR PANDEY Son of Anil Panday Prop. Raunak Enterprises,
R/v- Dumara, P.S.- Kotwa, District- East Champaran

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR
2. THE STATE BANK OF INDIA, BRANCH KOTWA, EAST CHAMPARAN AT MOTIHARI BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s :	Mr.Sanjay Kumar, Adv.
For the Opposite Party/s :	Mr.Satyendra Narayan Singh, APP.
	Mr. Apurv Harsh, Adv.
	Mr. Manu Tripurari, Adv.
	Mr. Rakesh Kumar Singh, Adv.

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

5 19-05-2023 Heard the parties.

The petitioner apprehends his arrest in a case registered for the offences punishable under Sections 420, 406, 409 of the Indian Penal Code.

Allegedly, petitioner is said to have defalcated the amount i.e. Rs. 14,79,035/-. The bank served a legal notice for depositing the amount but petitioner failed to do so.

It is submitted by learned counsel for the petitioner that petitioner is quite innocent and has committed no offence. No such occurrence as alleged ever took place. He has been falsely implicated in this case due to ulterior motive. The allegation



levelled against the petitioner is not specific rather general and omnibus in nature. The petitioner is new businessman and has taken the benefit of cash credit facility under the scheme of PM Mudra Yojna. Unfortunately, due to Covid-19 pandemic, the Government of India declared moratorium period from 1 March, 2020 in which the government decided to compensate the interest on interest. The informant has not considered the natural calamity of lockdown and started to take coercive action against the petitioner for depositing the entire amount of loan on lock stock and barrel. It is further submitted that the informant has instituted a certificate case against the petitioner being certificate case no. 139/SBI/2021-22, which is also mentioned in Annexure-2. The informant against raised the matter before the National Lok Adalat and in terms thereof notices were issued to the petitioner with a direction to appear on 12.11.2022 for settlement of dispute. It is further submitted that the dispute between the parties is of civil nature. Petitioner has no criminal antecedent as mentioned in para-3 of this application.

Learned APP for the State as well as learned counsel for the informant opposed the prayer for bail and submitted that the allegations levelled against the petitioner is serious in



nature, hence he does not deserve anticipatory bail.

Having regard to the facts and circumstances of the case and considering the arguments of the parties, let the above named petitioner, be released on bail, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned Court below where the case is pending/successor Court in connection with Kotwa P.S. Case No. 300 of 2022, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

(Anjani Kumar Sharan, J)

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