**IN THE HIGH COURT OF JUDICATURE AT PATNA**
**CRIMINAL MISCELLANEOUS No.1578 of 2023**

Arising Out of PS. Case No.-220 Year-2020 Thana- BEGUSARAI COMPLAINT CASE District- Begusarai

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ARVIND KUMAR SINGH S/o Late Parmanad Singh R/v- Mungeriganj G.D. College Road Begusarai, P.S.- Begusarai Town, District- Begusarai

... ... Petitioner/s

Versus

1. THE STATE OF BIHAR
2. The Manager, South Bihar Gramin Bank, Sona Jageshwar Complex Traffic Chowk, Begusarai- 851101 Bihar

... ... Opposite Party/s

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**Appearance :**
For the Petitioner/s : Mr. Jai Prakash Singh, Advocate
For the Opposite Party/s : Mr. Shyam Kumar Singh, APP

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**CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA**
ORAL ORDER

2 06-09-2023

1. Heard learned counsel for the petitioner and learned APP for the State.

2. The learned counsel for the petitioner, after some arguments, seeks permission to withdraw the quashing application with liberty to raise all issues at the time of framing of charge, as it has been submitted that no doubt, a cheque of Rs. 16 Lacs was issued by the petitioner which on presentation for encashment bounced, but then the bank also proceeded against the petitioner by filing a certificate case for which the petitioner filed C.W.J.C. No. 19485 of 2021. It is next submitted that C.W.J.C. No. 19485 of 2021 was disposed of by order dated 14.03.2023 with certain observation and direction. It is next submitted that the

learned Writ Court while disposing of C.W.J.C. No. 19485 of 2021 had observed that if no settlement is arrived in between the parties, the bank would be free to proceed with its recovery proceeding. It is also submitted that the recovery proceedings were stayed for six months for arriving at a settlement in between the petitioner and the bank by order dated 14.03.2023. The petitioner, thus, submits that the total loan amount which he had taken was of Rs. 6.5 Lacs, but on account of non-payment of the amount in time, the interest accrued which went up to 16 Lacs for which the cheque was issued and the same bounced. It is further submitted that since the bank is proceeding against the petitioner by filing a case under the P.D.R. Act only with respect to the loan amount i.e. Rs. 6.5 Lacs and this Court in its writ jurisdiction had stayed the recovery proceeding with an option to the parties to arrive at an amicable settlement, as such, the parties are still in the process of settlement and if settlement is arrived at, then petitioner shall have liberty to raise the issue at the time of framing of charge.

3. The liberty to raise issue is always there, subject to the plea raised by the informant.

4. Permission is accorded.

**5. Accordingly, the present quashing application stands dismissed as withdrawn.**

**(Satyavrat Verma, J)**

Rishabh/-

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