

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.81408 of 2023

Arising Out of PS. Case No.-121 Year-2023 Thana- SAMASTIPUR District- Samastipur

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BADAL KUMAR SON OF CHANDA PASWAN RESIDENT OF
MOHALLA AMEERGANJ DHARAMPUR, PS- TOWN DISTRICT
-SAMASTIPUR

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR
2. RAME RANJAN RAJ, S/O LATE RAM NIWASH SHARMA, BRANCH
HEAD, AXIS BANK LTD., SAMASTIPUR.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Mukesh Kumar No1, Advocate
For the Opposite Party/s : Mr. Pramod Kumar Pandey, APP

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CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

7 28-06-2024

1. Heard learned counsel for the parties.

2. The petitioner has preferred this application for grant of regular bail in connection with Samastipur Town P.S. Case no. 121 of 2023 registered under sections 420, 419, 467, 468 and 120B of the Indian Penal Code.

3. The petitioner was sanctioned a loan amount of Rs. 2,64,000/- against the valuation of gold provided by him and together with the interest thereon the total outstanding amount of the Bank came to Rs. 2,99,738.54.

4. Learned counsel for the petitioner submits that by order dated 10.4.2024 passed in the instant case, the petitioner was directed to be enlarged on provisional bail with a further direction to him to pay the total balance outstanding of the



informant- Axis Bank.

5. Relevant paragraph nos. 6 and 7 of the order dated 10.4.2024 are reproduced herein below for ready reference :-

“6. In view of the facts and circumstances stated herein above, it is directed that the petitioner shall deposit a sum of Rs.1,50,000/ with the informant-Axis Bank and shall produce a receipt thereof in the learned Court below, on which, the petitioner shall be enlarged on provisional bail in connection with Samastipur Town P.S. Case no.121 of 2023 on furnishing bail bond of Rs.10,000/ (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Samastipur.

7. The second installment of the balance amount of Rs.1,50,000/ shall be deposited by the petitioner on or before 7.6.2024 and a supplementary affidavit making a statement of the deposit having been made shall be filed in this Court by 21.6.2024.”

6. Learned counsel for the petitioner in reference to the supplementary affidavit filed on behalf of the petitioner on 20.6.2024 submits that the total outstanding amount with respect to the petitioner has been deposited and the relevant receipts brought on record.

7. Paragraph nos. 4 to 7 of the supplementary affidavit filed on behalf of the petitioner is reproduced herein below for



ready reference :-

“4. That the parent of the petitioner deposited 50% of his loan amount of petitioner sum of Rs.1,50,000/- in Axis Bank, Samastipur, Branch on 15.4.2024 vide Account No.923060049750537 and thereafter the petitioner produced receipt of Axis Bank Rs.1,50,000/- dated 15.04.2024 with bail bond of Rs.10,000/- with two sureties before court below and learned court below has been released the petitioner on provisional bail and petitioner came out from jail on 18.04.2024.

A photo copy of the Bank receipt of Axis Bank Samastipur Branch Rs.1,50,000/- is being annexed herewith and marked as Annexure-P/1 of this affidavit.

5. That it is submitted here that in the light of order dated 10.04.2024 the petitioner has been deposited second installment amount of rest loan amount Rs.149638/- on 04.06.2024 in Axis Bank Samastipur Branch vide Loan Account No.923060049750537 which is show from Bank Receipt of Axis Bank Samastipur and loan account of petitioner show balance is zero and Axis Bank was not accepted Rs.362 in loan account of the petitioner.

A photo copy of the Bank receipt of Axis Bank Samastipur Rs.1,49,638/- is being annexed herewith and marked as Annexure- P/2 of this affidavit.

6. That on the advice of his lawyer the petitioner



again went to the Axis Bank Samastipur Branch on 19.06.2024 for deposit Rs.362/- in his loan account as per order of the Hon'ble court order dated 10.04.2024 passed in Cr. Misc. No. 81408 of 2023 and branch employee himself unable of taking the money of Rs.362/- and in the near future, Bank can take rupees by showing the closing balance in loan account.

7. That it is submitted here that any outstanding balance in the loan account of Axis Bank; then petitioner will definitely deposit the dues money on demand of Axis Bank Samastipur Branch.

It is therefore, prayed that your Lordships may graciously be pleased to confirm the provisional bail passed in Cr. Misc. No. 81408 of 2023 dated 10.04.2024.

And/or

Pass such other order or orders as your Lordships may deem fit and proper.

And for this the petitioner shall ever pray.”

8. A copy of the above supplementary affidavit was served on learned counsel appearing for the Axis Bank. It is submitted by learned counsel appearing for the Bank that as per instructions received, the outstanding amount has been deposited. It is further submitted that in any case in paragraph no.7 of the supplementary affidavit filed on behalf of the



petitioner, it has been undertaken by the petitioner that if any outstanding balance is found by the Bank in the loan account of the petitioner, the petitioner will deposit the same.

9. Having heard learned counsel for the parties and having perused the material on record, specially the supplementary affidavit filed on behalf of the petitioner, relevant portion of which is quoted herein above, the provisional bail granted to the petitioner by order dated 10.4.2024 in connection with Samastipur Town P.S. Case no. 121 of 2023 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Samastipur, is hereby confirmed.

(Partha Sarthy, J)

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