

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.3827 of 2024

Arising Out of PS. Case No.-34 Year-2023 Thana- CHHATAUNI District- East Champaran

Anand Kumar Dubey S/o Kailash Prakash Dubey @ Kailash Prasad Dubey @ Kailash Dubey Permanent R/o Village-Bahlolpur, P.S-Kalyanpur, District-East Champaran. At present residing at Gopalpur, P.S-Town, District-East Champaran.

... .. Petitioner/s

Versus

1. The State of Bihar
2. The ICICI Bank Ltd. Through Its Authorized Representative Namely Anand Kumar S/O Shatrudhan Prasad Agarwal Posted As Area Manager Investigation At ICICI Bank Limited Zonal Office, Plot No.6b, S.K. Puri, Sahdeo Mahto Marg, Boring Road, P.S-Sri Krishnapuri, Patna

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Krishna Kant Singh, Advocate
For the Opposite Party/s	:	Mr. Bhanu Pratap Singh, APP
For Bank	:	Mr. Dayanand Singh, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 19-03-2024 Heard Mr. Krishna Kant Singh, learned counsel for the petitioner, Mr. Dayanand Singh, learned counsel appearing on behalf of the Bank as well as Mr. Bhanu Pratap Singh, learned Additional Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in connection with Chhatauni P.S. Case No. 34 of 2023, F.I.R. dated 19.01.2023 for the offences punishable under Sections 403, 406, 417, 420, 465, 468, 471, 120B/34 of the Indian Penal Code.

3. According to prosecution case, this petitioner along



with 317 other accused persons have committed fraud and cheating with the Bank as they have submitted forged and fabricated documents as proof of ownership of lands to the Bank and took a heavy loan.

4. Learned counsel for the petitioner submits that petitioner has clean antecedent and he has falsely been implicated in the present case. He outrightly submits that the petitioner is ready to settle the dispute with the Bank and he is ready to pay all the outstanding amount to the Bank i.e. Rs. 12,34,615.54 (Rs. Twelve lakhs thirty four thousand six hundred fifteen and fifty four paise).

5. The learned counsel appearing on behalf of the Bank as well as learned Additional Public Prosecutor have no objection if the petitioner is ready to pay all the outstanding amount to the Bank.

6. Considering the aforesaid facts and circumstances, let the petitioner, above named, in the event of arrest or surrender before the court below within a period of six weeks' from the date of receipt of the order, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, East Champaran, Motihari in



connection with Chhatauni P.S. Case No. 34 of 2023, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure and with other following conditions:-

i. Petitioner shall furnish demand draft of Rs. 3,00,000/- (Three lakhs) in favour of the Bank and the same shall be deposited at the time of furnishing bail bond and the learned Court below is directed to hand over the said demand draft to the Bank and the rest amount of Rs. 9,34,615.54 (Rs. Nine lakhs thirty four thousand six hundred fifteen and fifty four paise) shall be deposited in 7 equal monthly installments to the Bank. If the petitioner fails to deposit the aforesaid amount in the stipulated period to the Bank then the Bank has liberty to move before the appropriate forum for cancellation of the bail bond of the petitioner.

ii. Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

iii. If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.



iv. And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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