

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.6667 of 2024

Arising Out of PS. Case No.-809 Year-2009 Thana- KATIHAR COMPLAINT CASE
District- Katihar

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Rajendra Pd Lall @ R .P. Lall, S/O Late Basudev Dusadh Branch Manager
Central Bank Of India, Khariyal, R/O Village- Charan, Ps. Azamagar, Dist.
Jamui.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. Md. Zakir S/O Md. Siddique R/O Village- Dhoomnagar, Ps. Azamgarh, Dist.
Katihar.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : NONE
For the Opposite Party/s : Mr.Upendra Kumar

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

- 2 22-02-2024 1. Heard learned Counsel for the petitioner and
learned APP for the State.
2. This application, for grant of anticipatory bail,
arises out of Complaint Application case no. 809C of 2009,
disclosing offences punishable under Section 420 of the Indian
Penal Code.
3. The prosecution story, based on Azamnagar P.S.
case no. 145 of 2007-cum- complaint case no. 809C of 2009, is
that the complainant/ informant applied for a business loan of
Rs. 9,96,500/- for manufacturing of bricks in the year 2004. It
has been alleged that the complainant/ informant had



reproduced all the relevant documents, as required by the Branch Manager Badal Mandal and thereafter, the Branch Manager agreed to sanction and grant loan to the complainant/informant. It has been alleged that the said Branch Manager prepared a Mortgage deed and the same was executed on 11.03.2004 vide Mortgage Deed no. 2994 dated 11.03.2004. Due to transfer of said Badal Mandal, complainant approached new Manager (petitioner herein) to get the loan amount disbursed but he refused to do the same, thereby causing physical and mental agony to complainant.

4. Since nobody has appeared for the petitioner, this Court has gone through the materials available on record as well as the impugned order, from which, it appears that the petitioner has stated that he is innocent and has not committed any offence. The loan was not sanctioned by the petitioner but the same was sanctioned by his predecessor. The petitioner joined the Bank on 01.06.2004 and he was transferred on 13.05.2007. A Mortgage Deed was executed on 11.03.2004. The police, after investigation, submitted final form but upon protest by the petitioner, learned Chief Judicial Magistrate, Katihar differed with the police report and took cognizance against the petitioner under Section 420 of the Indian Penal Code on 24.04.2010. In



paragraph no. 17 of the bail application, it has been stated that from entire order sheet, it appears that summon/ notice was never served upon the petitioner.

5. Learned counsel for the State, upon going through the order sheets, annexed with this application at Annexure-2, submits that from perusal of the entire order sheets, it does not appear that notice/ summon was issued to the petitioner.

6. On perusal of the impugned order, it appears that the learned Sessions Judge, Katihar has rejected bail application of the petitioner on 25.08.2023, mainly on the ground that the petitioner has approached the Court after a long gap of 14 years, and that process under Section 82 and 83 Cr.P.C. has already been issued.

7. Regard being had to the submissions made on behalf of the parties and taking into consideration the materials available on record, the nature of allegation made in the complaint as well as the fact that no summon/ notice was issued to the petitioner earlier, after taking cognizance, I am inclined to grant the privilege of anticipatory bail to the petitioner.

8. This application is, accordingly, allowed.

9. Let petitioner, abovenamed, in the event of his arrest or surrender before the Court below within four weeks, 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 learned C.J.M., Katihar in connection with complaint case no. 809C/2009, arising out of Ajamnagar PS case no. 145 of 2007, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure.

(Anil Kumar Sinha, J)

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