

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25558 of 2025

Arising Out of PS. Case No.-801 Year-2023 Thana- BEGUSARAI TOWN District- Begusarai

Chandradeep Kumar @ Chandra Dip Kumar Son of Late Siya Ram Singh
Resident of Village - Lakho, Ward No.- 14, Police Station - Begusarai
Refinery, District - Begusarai.

... .. Petitioner/s

Versus

1. The State of Bihar
2. The Branch Manager, Dakshin Bihar Gramin Bank, Bishunpur Branch,
District - Begusarai. Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Sanjeev Ranjan- Advocate
For the State	:	Mr. Md. Mushtaque Alam- A.P.P.
For the Bank	:	Mr. Ranjeet Kumar Pandey

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 05-05-2025 1. Heard learned counsel for the petitioner, learned
APP for the State and the learned counsel appearing on behalf of
the Bank.

2. The petitioner seeks bail in anticipation of his
arrest in a case registered for the offences punishable under
Sections 420, 409 and 34 of the Indian Penal Code.

3. The learned counsel for the petitioner submits that
the petitioner has antecedent of six cases, but then, all the six
cases relates to bouncing of cheques for the reason that the
account of the petitioner was declared NPA, as such, the
cheques issued by the petitioner bounced when the same was
presented for encashment. It is also submitted that offence under



Section 138 of N. I. Act is bailable. It is next submitted that the informant alleges that petitioner and Savita Devi as Proprietor of M/s Om Food Products Industries Limited availed loan of an amount Rs.11,95,28,126/- in lieu whereof, the accused mortgaged their properties. Further, Savita Devi had also availed a loan of Rs.42 Lacs for her Dairy Project with 50 cows and Chandradeep Kumar i.e. petitioner was guarantor. Further, an inspection was held on 07.04.2022, and it was found that very little stock to the tune of Rs.14 Lacs was in the godown of M/s Om Food Processing Unit. Further, no stock was found with M/s Om Food Products Industries Limited and cows were missing from Dhaboli Premises. Further, it also transpired that petitioner had sold 10 kattha of land to Mritunjay Kumar prior to availing the loan.

4. The learned counsel for the petitioner submits that from perusal of the allegation as alleged in the FIR, it would manifest that the informant in sum and substance alleges that loan was taken by the petitioner and his wife and the loan for some reason could not be repaid and the account became NPA. It is further submitted that it absolutely does not stand to reason that on what basis a criminal offence is made out, if the petitioner for any reason is not able to repay the loan which he



had taken. It is further submitted that informant has filed O.A. No.105 of 2023, O.A. No.568 of 2022 and O.A. No.570 of 2022 before the learned D.R.T., Patna and the same is pending adjudication. It is further submitted that in the event, if the aforesaid O.As. for any reason are not decided in favour of the Bank, whether it would be prudent for this Court to send the petitioner to jail when the O.As. are pending adjudication. It is also submitted that if O.As. are allowed in favour of the Bank, the petitioner will have no option but to repay the loan or to avail his remedies available in law, but then, it is submitted that merely because the account of the petitioner has become NPA that in itself is not a ground for instituting a criminal case. It is next submitted that though it is alleged that petitioner had sold 10 kattha of land to Mritunjay Kumar prior to availing the loan, but then, the said allegation is in realm of allegation and the same will also be adjudicated by the learned DRT and in the event, if it is found that petitioner while availing the loan amount had committed cheating, in that event, the petitioner would be penalized, but if the O.A. for some reason is not allowed or is decided against the Bank, in that event, what will happen, this strikes the Court.

5. Learned A.P.P. as well as the learned counsel



appearing on behalf of the Bank are not in a position to rebut the submission of the learned counsel appearing on behalf of the petitioner that prima facie no criminal offence is made out in the nature of allegation as alleged and the Bank has already proceeded to recover the loan amount by filing three O.As. Before the learned DRT.

6. Considering the submissions made by the learned counsel for the petitioner, the petitioner, above-named, in the event of his arrest or surrender before the learned Court below within a period of six weeks, is directed to be released on bail on his furnishing bail-bonds in the sum of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate, 1st Class, Begusarai in connection with Begusarai Town P. S. Case No.801 of 2023, subject to the conditions laid down under Section 438(2) of the Cr.P.C.

7. The application stands allowed.

(Satyavrat Verma, J)

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