

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.74038 of 2025

Arising Out of PS. Case No.-274 Year-2020 Thana- RAXAUL District- East Champaran

1. Santosh Kumar S/O Late Asheshwar Singh Resident of Mohalla- Chawal Bazar, P.O. and P.S- Raxual, District- East Champaran.
2. Nitesh Kumar S/O Late Asheshwar Singh Resident of Mohalla- Chawal Bazar, P.O. and P.S- Raxual, District- East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Arbind Kumar Singh, Advocate

For the Opposite Party/s : Mr. Chandra Bhushan Prasad, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 17-11-2025 Heard Mr. Arbind Kumar Singh, learned counsel
for the petitioners and Mr. Chandra Bhushan Prasad, learned
Additional Public Prosecutor for the State.

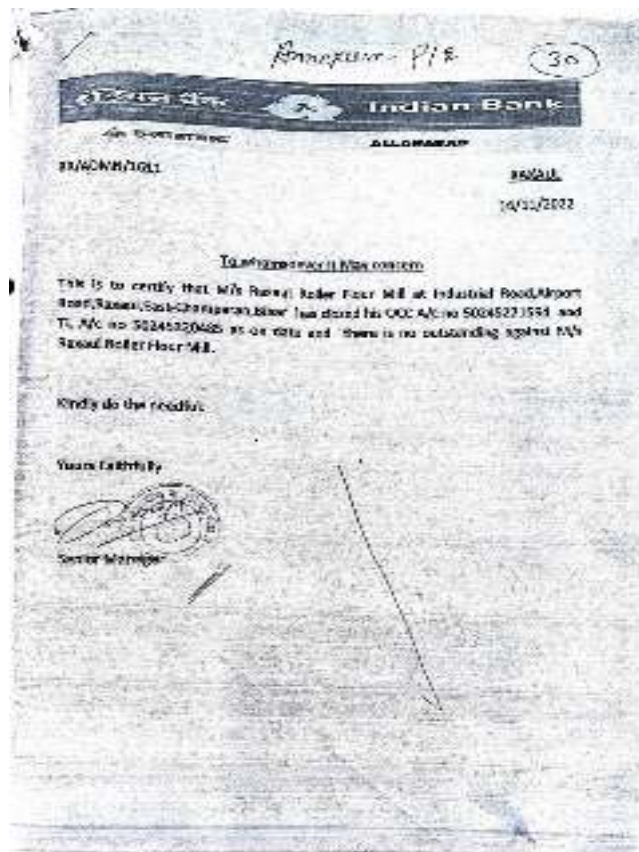
2. The petitioners are apprehending their arrest in connection with Raxaul P.S. Case No. 274 of 2020, F.I.R. dated 18.07.2020 for the offences punishable under Sections 406, 419, 420, 467, 468, 471 and 34 of the IPC.

3. According to prosecution case, the petitioners have taken a loan of Rs. 98,75,000/- from the bank in question by mortgaging their plot but after getting the loan they transferred their mortgaged land to one Ram Nivas Bharti without seeking permission from the bank and Rs. 83,27,674/- outstanding



amount was due with these petitioners.

4. Learned counsel for the petitioners submits that petitioners have clean antecedent and they have falsely been implicated in the present case. He further submits that the allegation as alleged in the F.I.R is false and fabricated and in fact, the petitioners have taken loan from the bank in question and after lodging the present F.I.R the petitioners have deposited all the outstanding dues and the bank in turn had issued a certificated which is annexed as Annexure P/2 to the application which is reproduced hereinbelow:-



5. Learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioners.

6. Considering the aforesaid facts and circumstances that the petitioners have clean antecedent, they have already returned the dues amount to the bank in question and the bank had issued no dues certificate which suggest that there is no outstanding dues against M/s Raxaul Roller Flour Mill of which petitioners are the properitor and the petitioners have repaid all the loan amount to the bank in 2022 itself, let the petitioners, above named, in the event of their arrest or surrender before the court below within a period of thirty days from the date of receipt of the order, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Sub Divisional Judicial Magistrate, Raxaul in connection with Raxaul P.S. Case No. 274 of 2020, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure and with other following conditions:-

i. Petitioners 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 their absence on two consecutive dates without sufficient



reason, their bail bond shall be cancelled by the Court below.

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

iii. And further condition that the court below shall verify the criminal antecedent of the petitioners and in case at any stage it is found that the petitioners have concealed their criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioners. 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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