

**IN THE HIGH COURT OF JHARKHAND AT RANCHI**  
**B.A. No.6628 of 2018**

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Pankaj Kumar Sah .... .... .... Petitioner  
Versus  
1. The State of Jharkhand  
2. Binay Kumar Sharma  
3. Branch Manager, Union Bank .... .... .... Opp. Parties

**CORAM : HON'BLE MR. JUSTICE B.B. MANGALMURTI**

For the Petitioner : Mr. S.S. Choudhary, Advocate  
For the State : A.P.P.  
For the Informant : Mr. N.K. Chatterjee, Advocate  
For the Bank : Mr. P.A.S. Pati, Advocate

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**16/28.09.2019** Accused/petitioner-Pankaj Kumar Sah is present before this Court  
duly identified by his counsel.

Heard learned counsel for the petitioner as well as learned counsel  
for the informant/opposite party no.2 as well as learned counsel for the  
Bank being opposite party no.3.

It is submitted on behalf of petitioner that he was granted  
provisional bail vide order dated 10.10.2018 and it was extended from time  
to time and the same is effective till today.

Learned counsel for the petitioner prayed confirmation of  
provisional bail of petitioner on the ground that this petitioner has  
altogether deposited Rs.6,79,000/- before the bank with a hope of settlement  
under Centenary Settlement Scheme.

Learned counsel for the opposite party no.3 submitted that 70% of  
the total due which is around Rs.6,79,000/- was deposited by the petitioner  
in the bank and the proposal for closure of loan Account standing in the  
name of this petitioner is being processed and after its approval from the  
competent authority, the same will be adjusted against the loan amount of  
Rs.6,79,000/-. Presently, amount of Rs.6,79,000/- has been kept in the  
Centenary Settlement Scheme and this amount cannot be withdrawn by the  
petitioner.

Learned counsel for the opposite party no.2 opposed the  
confirmation of bail and submitted that this petitioner on the basis of a  
forged document managed to execute an agreement between petitioner and  
opposite party no.2 for which some amount was also taken by the petitioner  
from opposite party no.2 thereby fraud was played by the petitioner.

Perused the case diary. Considering the above submission of the parties as well as that petitioner has deposited part of loan amount to the bank-opposite party no.3 under Centenary Settlement Scheme. It further appears that this petitioner was granted provisional bail by order dated 10.10.2018 and the petitioner has deposited part of the amount to the bank, therefore, provisional bail granted to the accused/petitioner-Pankaj Kumar Sah in connection with Mirzachouki P.S. Case No.50 of 2017 corresponding to G.R. No.314 of 2017 pending in the court of Sub Divisional Judicial Magistrate, Sahibganj, is hereby, confirmed subject to condition that he will appear before the court below on each and every date unless exemption granted by the court below. The petitioner is directed to remain on same bail bond which was submitted in the court below at the time of his provisional bail.

The confirmation of provisional bail will not affect the merit of the case and the rights of opposite party no.2. The court below is directed to proceed in the case as per provisions of law and will try to conclude the same as expeditiously as possible.

Let a copy of this order be transmitted to the court concerned.

With this observation and direction, instant bail application is allowed and disposed of.

**(B.B. Mangalmurti, J.)**

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