

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.14539 of 2016

Arising Out of PS.Case No. -114 Year- 2015 Thana -RAMGARHWA District-
EASTCHAMPARAN(MOTIHARI)

1. Shobha Devi W/o Dhawan Prakash , Proprietor Shobha Devi Readymade Garmenta Udhyog R/o Village- Ramgarhwa, P.S.- Ramgarhwa, Dist- East Champaran.

.... Petitioner/s

Versus

- 1. The State of Bihar.
- 2. State Bank of India Branch ADB Ramgarhwa, East Champaran

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ajay Kumar Singh
For the Opposite Party/s : Mr. Ganesh Pd.Singh(App)
For the SBI : Mr. Rakesh Kumar Singh

CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI
SHARAN SINGH
ORAL ORDER

2 21-04-2016 Heard learned Counsel for the petitioner and learned Additional Public Prosecutor for the State.

This application, for grant of anticipatory bail, arises out of Ramfgarhwa Police Station Case No. 114 of 2015, disclosing offences under Sections 406 and 420 of the Indian Penal Code.

The petitioner had taken loan to the tune of Rs. 4,75,000/- from the State Bank of India for running a small scale industry.

It is alleged that the petitioner, after sometime, misappropriated the movable and immovable property of

the said industry in order to cheat the bank.

Learned Counsel for the petitioner has submitted that no offence under Section 406 of the Indian Penal Code is made out on the basis of the allegation as contained in the First Information Report. He has submitted that the petitioner was entitled for some subsidy as per the agreement and this benefit has not been given to her. It is further submitted that the petitioner is ready to settle the account with the bank.

Learned Counsel for the Bank has vehemently opposed the prayer for anticipatory bail and has submitted that the petitioner has misappropriated the bank's amount and has defrauded the bank of huge sum of money.

However, considering the facts and circumstances of the case and the nature of dispute, this application is allowed.

Let the petitioner, Shobha Devi, in the event of her arrest or surrender before the Court below within six 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 the learned Sub Divisional Judicial Magistrate, Raxaul, at Motihari, East Champaran, in connection with Ramgarhwa Police Station Case No. 114 of 2015, subject to the condition laid down

under Section 438 (2) of the Code of Criminal Procedure.

This is subject to the condition that the petitioner shall present herself before the police/Court, as the case may be, as and when required and in the event of failure on her part to appear before the Court on two consecutive occasions, her bail bond shall be liable to be cancelled.

(Chakradhari Sharan Singh, J.)

Prabhakar Anand/-

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