

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.3353 of 2017

Arising Out of PS.Case No. -270 Year- 2016 Thana -PIRO District- BHOJPUR

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1. Madhubala Devi, wife of Bhuneshwar Tiwari, resident of village-
Lahthan, P.S. Agiaon Bazar, District- Bhojpur.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Dharmvir Kumar (Senior Manager Punjab National Bank, Piro), son of
late Shiya Sharan Prasad, resident of village- Purankama, P.S.
Sheikhpura, District- Sheikhpura.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ravi Ranjan, Advocate

For the Opposite Party/s : Mr. Yogendra Kr. Singh, APP

Dr. Harendra Nath Ojha, Advocate

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

4/ 10-04-2017

Heard learned counsel for the Petitioner and the
State.

The Petitioner apprehends her arrest in Piro P.S.
Case No.270 of 2016 instituted for the offence under Section(s)
406, 409, 420 Indian Penal Code pending in the Court of the
Additional Chief Judicial Magistrate, 1st, Bojpur, Arrah.

It is alleged that the petitioner took loan from
Punjab National Bank for running Rice Mill and mortgaged her
land having Khata No.337, Khesra No.3881, Area-55 decimal
situated in Mauza Lahthan, Thana No.48. The original sale deed
of the aforesaid land was deposited in the bank. Husband of the
petitioner was guarantor of the aforesaid land. The petitioner



stopped making payment of the loan amount and a sum of total rupees fifty lacs and odd of the bank is due with the petitioner. It is further alleged that in the meantime the petitioner executed a registered sale deed in favour of one Girdhari Dubey on 17.03.2015 with regard to the property mortgaged with the bank to cheat the bank and also cause loss to the bank.

The petitioner does not deny about execution of the sale deed of the aforesaid land in favour of Girdhari Dubey on 17.03.2015.

It is also admitted position that the Bank has filed O.A. No.57 of 2017 before the Debt Recovery Tribunal, Patna, for recovery of loan amount from the petitioner.

In such circumstances, during the pendency of the case, such action of the petitioner to execute sale deed with regard to the property mortgaged with the bank is wholly illegal and has been done mallafidely to cause loss to the bank.

In view of such, this Court does not find it a fit case for grant of anticipatory bail.

Prayer is rejected.

The petitioner may surrender before the Court below and seek regular bail, which shall be considered and disposed of on its own merit without being prejudiced by this order.



It has been submitted that the petitioner is ready to settle the account with bank. In the event the petitioner approaches the Bank for settlement of the account, the Court below will be at liberty to pass appropriate order in accordance with law.

(Sanjay Priya, J)

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