

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.831 of 2018

Arising Out of PS.Case No. -null Year- null Thana -null District- SASARAM (ROHTAS)

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Sarswati Devi @ Sarswati Kunwar, wife of Late Satyendra Singh,
Resident of Mohalla- Takiya Bazar, Sasaram, District- Rohtas, P.S.-
Sasaram.

.... Petitioner

Versus

1. The State of Bihar, through the Principal Secretary, Home Department, Government of Bihar, Patna.
2. Superintendent of Police, Rohtas at Sasaram.
3. Officer-in- Charge, Town Thana Sasaram.
4. Jai Narayan Prasads, Chief Manager, Bank of Baroda, Sasaram Nagar, Rohtas.
5. Deputy Regional Manager, Bank of Baroda, Boring Road, Patna.

.... Respondents

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Appearance :

For the Petitioner : Mr. Ajay Prasad, Advocate
For the State : Mr. Ravi Verma, A.C. to G.P.4
For the Bank of Baroda : Mr. Ratnesh Kr. Sinha, Advocate

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL JUDGMENT

Date: 13-07-2018

Heard learned counsel for the petitioner, learned
counsel representing the Bank as well as learned counsel
appearing on behalf of the State.

The petitioner has moved this court for quashing of
the First Information Report as contained in Annexure-1 to the
writ application. Learned counsel for the petitioner submits
that this petitioner was one of the guarantors for the loan
obtained by the borrower against whom the bank has already



taken recovery proceedings and even some of the amounts are said to have been deposited to the bank.

Learned counsel submits that so far as the allegation that this petitioner was one of the guarantors who had provided a property which was already sold is a wrong and misleading allegation which may be controverted by placing the statements made in the supplementary affidavit and the documents attached therewith on behalf of the petitioner.

Learned counsel for the bank submits that the petitioner happened to be the mother of the borrower and she had signed the guarantee deed and had mortgaged a property which was already sold out and therefore they have in concert and in conspiracy with each other duped the bank. Learned counsel submits that if the allegations are proved in course of investigation and found to be true, a case under the relevant provisions of the Indian Penal Code would certainly be made out.

Learned counsel representing the State submits that at this stage even though the investigation is pending but the investigation so far as reveal that the allegations are true.

Having heard learned counsel for the parties and



on perusal of the record particularly the allegations made in the First Information Report this court finds that the allegations are that of acting in connivance and in concert with each other and providing a security to the bank which was a sold out property. The case is still under investigation and at this stage the court is not willing to quash the First Information Report and interfere with the investigation at its threshold.

This application has no merit. It is, accordingly, dismissed.

(Rajeev Ranjan Prasad, J.)

Rajeev/-

AFR/NAFR	
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