

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33964 of 2019

Arising Out of PS. Case No.-257 Year-2018 Thana- GOPALGANJ TOWN District-
Gopalganj

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1. GUDDI DEVI Wife of Sanjay Sharma Resident of Village - Gausia, P.S.-
Manjhagarh, District - Gopalganj.
 2. Santosh Prasad Son of Sudama Prasad Resident of Village - Gausia, P.S.-
Manjhagarh, District - Gopalganj.
 3. Sulekha Sharma @ Sita Devi Wife of Ram Krishn Sharma Resident of
Village - Gausia, P.S.- Manjhagarh, District - Gopalganj.
 4. Meena Devi Wife of Nandji Yadav Resident of Village - Gausia, P.S.-
Manjhagarh, District - Gopalganj.
 5. Meena Devi Wife of Mangru Prasad Resident of Village - Gausia, P.S.-
Manjhagarh, District - Gopalganj.
 6. Geeta Devi Wife of Birbal Sharma Resident of Village - Gausia, P.S.-
Manjhagarh, District - Gopalganj.
 7. Naiyma Khatoon Wife of Klamuddin Ansari Resident of Village - Gausia,
P.S.- Manjhagarh, District - Gopalganj.
 8. Nasiba Khatoon @ Nasiba @ Namiba Wife of Nabijan Ansari Resident of
Barhiya, P.S.- Supauli, District - Gopalganj.

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR
2. The Chief Manager, State Bank of India, Agriculture Development Branch,
Gopalganj, District Gopalganj, Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Shakti Suman Kumar, Advocate
For the Opposite Party/s : Mr.Md. Shakir Ahmad

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

3 13-08-2019 Heard learned counsel for the petitioners and learned
counsel representing the Bank.

The petitioners in the present case are seeking
anticipatory bail in connection with Gopalganj Town P.S. Case
No. 257 of 2018 registered for the offences punishable under



Sections 406, 420, 467, 468, 471, 120B and 34 of the Indian Penal Code.

Learned counsel for the petitioners submits that they are farmers/agriculturists who have availed agricultural loan against the gold ornaments which were provided as security to the Bank. It is submitted that prior to sanction of loan the gold ornaments offered to the bank were subjected to verification by the registered valuer of the Bank who had submitted a report that these gold ornaments are genuine and may be kept as security but later on without any information to the petitioners on instruction from the higher authorities, the Bank got a new valuer appointed to reevaluate the gold ornaments and thereafter, it was reported by the new valuer that those gold ornaments are not genuine. Based on the said report an allegation has been made against these petitioners by lodging the present FIR that these petitioners have committed fraud and cheated the Bank.

Learned counsel submits that the Bank never recalled the loan amount and these loans were granted to the petitioners very recently in the year 2018 and only few months thereafter, the FIR has been lodged. It is submitted that the manner in which the Bank has proceeded to get re-evaluated the ornaments



behind the back of the petitioners smacks some foul play and on behalf of the petitioners it is submitted that they would sue the bank for the deficiency on their part and to that extent they reserve their right.

Learned counsel for the Bank opposed the prayer of anticipatory bail. It is submitted that these petitioners have availed agricultural loan by offering gold ornaments which were not found to be pure and genuine by the subsequent valuer. It is submitted that the petitioners have been found indulged in the act of cheating and for that reason the Bank has lodged the first information report.

Learned counsel has also produced before this Court some orders passed in similar circumstance by the learned co-ordinate Benches of this Court. In one of the orders the anticipatory bail has been granted without imposing any condition whereas the other orders have been passed taking note of the offer made by the petitioners in those cases to pay the amount in question in few installments.

Learned counsel for the petitioners has submitted that the petitioners are though ready to pay the loan but the entire amount cannot be paid for the present because these loans were taken for three years and the petitioners had to refund the loan in equal monthly installments but for the present the petitioners are



ready to deposit Rs. 10,000/- per month each in order to payoff the entire outstanding amount.

In the given facts and circumstances of the case where it appears that these petitioners have availed agricultural loan facilities from the Bank and the allegations are that they had offered some gold ornaments which were not found to be pure and genuine at a later stage but initially those ornaments were approved by the valuer of the Bank as also that the petitioners are ready to payoff the entire dues by paying Rs. 10,000/- per month to the Bank and that nothing has been brought on record before this Court that the Bank has recalled the entire loan by serving notice upon the petitioners, let the petitioners above named in the event of their arrest or surrender within a period of four weeks from today, be enlarged on bail on furnishing of bail bonds of Rs. 15,000/- (fifteen thousand) each with two sureties of the like amount each to the satisfaction of learned C.J.M., Gopalganj in connection with Gopalganj Town P.S. Case No. 257 of 2018, subject to the conditions that they will continue to pay Rs. 10,000/- per month to the Bank in order to liquidate the entire loan amount with interest in terms of the loan agreement. Two consecutive failure on the part of the petitioners to pay the monthly installment of Rs. 10,000/- shall



entitle the Bank to file an application for cancellation of bail.
This condition will be in addition to the condition as laid down
under Section 438 (2) of the Cr.P.C. i.e.

(i) a condition that the person shall make himself
available for interrogation by a police officer as and when
required;

(ii) a condition that the person shall not, directly or
indirectly, make any inducement, threat or promise to any
person acquainted with the facts of the case so as to dissuade
him from disclosing such facts to the Court or to any police
officer;

(iii) a condition that the persona shall not leave India
without the previous permission of the Court.

(Rajeev Ranjan Prasad, J)

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