

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.56290 of 2019

Arising Out of PS. Case No.-6 Year-2019 Thana- KARAI PARSURAI District- Nalanda

Swity Bharti, Gender-Female, aged about 30 years, Wife of Tripunjay Kumar,
R/O- Makrauta, P.S - Karaiparsurai, District - Nalanda

... .. Petitioner/s

Versus

1. The State of Bihar
2. Dakshin Bihar Gramin Bank, through Chairman having office, Ashochak near Highway Service Petrol Pump Patna

... .. Opposite Party/s

Appearance :

For the Petitioners	:	Dr. Shambhu Narayan Singh, with Mr. Kundan Rathore, Advocates
For the State	:	Mr. Md. Aslam Ansari, APP
For the Bank	:	Mr. Suresh Pd Singh No-1, with Ms. Kumari Rashmi, Advocates for MBGB

**CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN
AMANULLAH**

ORAL JUDGMENT

Date : 18-12-2019

Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in Karai Parsurai P S Case
No. 06 of 2019 dated 18.01.2019 instituted under Sections 420,
409, 120(B)/ 34 of the Indian Penal Code.

3. The allegation against the petitioner and others is of
defrauding the Madhya Bihar Gramin Bank of Rs. 11877155/-.

4. Learned counsel for the petitioner submitted that she
is neither an official of the bank nor had any role or connection in
the entire episode. It was submitted that even if the allegation is



accepted at its face value, an amount of Rs. 4,23,000/- was deposited into her account in which she had no role and further that the same was transferred through NEFT in the account of one Rajesh Kumar, who is not connected with the petitioner. Learned counsel submitted that she was not involved in the episode and has been made accused only because her account was misused by others and further, that her husband is also an accused and it is but natural that she was only a name lender and was not even aware of what was happening. Learned counsel submitted that in that view of the matter, the amount was never withdrawn or utilized by the petitioner and was transferred to the account of co-accused Rajesh Kumar. Learned counsel submitted that for such name lending, she has already suffered without being criminally liable as there was neither any intention/ *mens rea* nor any overt act by the petitioner. It was submitted that the petitioner is in custody since 29.06.2019, being a lady.

5. Learned APP, from the case diary, did not controvert the fact that the only allegation against the petitioner that in her account Rs. 4,23,000/- was deposited and the same day it was transferred to the account of co-accused Rajesh Kumar and that the allegation is not that the petitioner had deposited the amount or



that she used the money and that the said Rajesh Kumar is not a fictitious person.

6. Considering the facts and circumstances of the case and submissions of learned counsel for the parties, let the petitioner be released on bail on furnishing bail bonds of Rs. 25,000/- (Twenty Five thousand) with two sureties of the like amount each to the satisfaction of the learned ACJM 1st, Hilsa, Nalanda in Karai Parsurai P S Case No. 06 of 2019. She shall cooperate in the trial and be present before the Court on each and every date. Failure to cooperate or appear on two consecutive dates, without sufficient cause, shall lead to cancellation of her bail bonds.

7. The application stands disposed off.

(Ahsanuddin Amanullah, J.)

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