IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.81838 of 2019

Arising Out of PS. Case No.-384 Year-2017 Thana- GAYA KOTWALI District- Gaya

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NIRMALA KUMARI, Wife of Vinod Kumar Resident of Mohalla-Tel Bigha, Police Station-Kotwali, District-Gaya.

... ... Petitioner/s

Versus

The State of Bihar

... ... Opposite Party/s

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Appearance :
For the Petitioner/s : Mr.Manish Kumar No2
For the Opposite Party/s : Mr.Nitya Nand Tiwary

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CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR MISHRA

ORAL ORDER

4 22-06-2020 Heard learned counsel for the petitioner and the learned A.P.P. for the State assisted by Sri Dharmendra Kumar Sinha, learned counsel appearing for the informant through video conferencing.

The petitioner apprehends her arrest in connection with Kotwali P.S. Case no. 384 of 2017, registered under Sections 406 and 420/34 of the Indian Penal Code.

The accusation is that informant Sunil Kumar used to run plastic goods' shop for his livelihood. For improvement of his shop, informant applied for loan at Vijaya Bank, then manager of the said bank asked him to open current account for the sanction of the loan. Thereafter, informant opened current account in the name of Sunil Enterprises. The Manager assured him that loan amount will be credited in his account after some

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times. After some times, the informant was called by bank Manager and got his signature on some papers and asked to give Rs. 5,000/-. The informant handed over the same. Later on, he come to know that on 14.02.2019, Rs. 3,50,000 and on 18.02.2019, Rs. 80,000/- were transferred from his account in the account of the petitioner. As such, the manager cheated him transferring his loan amount to the account of petitioner.

Learned counsel for the petitioner submits that, in fact, petitioner Nirmala Kumari is the proprietor of M/s Nirmala Kumari, who runs the business of FMCG Plastic and other goods. The informant took some plastic materials worth of Rs. 4,41,516/-, which would appear from paragraph 37, 38 and 39 of the case diary in lieu thereof on the application of the informant Rs. 3,50,000/- and Rs. 80,000/ were transferred on two occasions from the loan account of the informant to the account of petitioner, but, with ulterior motive, the informant has lodged the present case.

Having regard to the facts and circumstances of the case, let the above named petitioner, be released on bail, in the event of her arrest or surrender before the learned Court below within a period of four weeks from today, on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like

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amount each to the satisfaction of the learned Chief Judicial Magistrate, Gaya in connection with Kotwali P.S. Case No. 384 of 2017, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

(Rajendra Kumar Mishra, J)

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