

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13209 of 2020

Arising Out of PS. Case No.-319 Year-2019 Thana- DALSINGHSARAI District- Samastipur

1. ANITA DEVI Wife of Arjun Ray Resident of Village - Kevta, P.S. - Dalsing Sarai, District - Samastipur.
2. Anil Kumar Yadav @ Anil Pratap Ray Son of Arjun Ray Resident of Village - Kevta, P.S. - Dalsing Sarai, District - Samastipur.
3. Raghuvveer Kumar Roy son of Arjun Ray Resident of Village - Kevta, P.S. - Dalsing Sarai, District - Samastipur.

... .. Petitioners

Versus

1. THE STATE OF BIHAR
2. Santosh Kumar Santosh Chief Manager-cum-Authorized Officer, Central Bank of India, Samastipur, District- Samastipur.

... .. Opposite Parties

Appearance :

For the Petitioner/s	:	Mr. Alok Kumar Sinha, Advocate
For the O.P. No.2	:	Mr. Ajay Kumar Sinha, Sr. Advocate
		Mr. Ajit Kumar Sinha, Advocate
For the Opposite Party/s :		Mr. Md. Fahimuddin, A.P.P.

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

3 27-10-2021 Learned counsel appearing on behalf of petitioners seek permission to withdraw the statements made in paragraph No. 13 of the petition.

The prayer is allowed to delete the paragraph No. 13 in course of the day.

Heard Sri Alok Kumar Sinha, learned counsel for the petitioners, Sri Ajay Kumar Sinha, learned Senior counsel appearing on behalf of O.P. No.2 assisted by Sri Ajit Kumar Sinha and the learned A.P.P. for the State.

The petitioners apprehend their arrest in connection with Dalsing Sarai P.S. Case no. 319 of 2019,



registered under Sections 323, 307/34, 341, 353, 504 and 506 of the Indian Penal Code.

The allegations made in the F.I.R., in brief, are that on the written report of the then Chief Manager, Central Bank of India, Samastipur, Dalsing Sarai P.S. Case No. 319 of 2019 has been registered alleging that Smt. Anita Devi took loan of Rs. 8,00,000/-, but she failed to pay back the loan amount as per the agreement, ultimately, the loan account became N.P.A. It has further been alleged that under the SARFESI Act, steps for possession under Section 13(4) and Section 14 have been taken for which notice was also affixed to which three sons of the petitioner No.1 being petitioner Nos. 2 and 3 started abusing and pour kerosene oil on one employee of Bank, namely, Suresh Prasad Dhurandhar and tried to ablaze him and upon hulla, the bank officials had to flee away from the scene.

Learned counsel appearing on behalf of petitioner submits that the allegations made in the F.I.R. are false and due to some enmity with some of the bank officials such false case has been registered. The petitioner further submits that they are liable to pay back the money of the bank and they willingly want to make payment of Rs. Three Lakhs to the bank against the loan amount.



It has been submitted by Sri Ajay Kumar Sinha, learned Senior counsel appearing on behalf of bank that such payment of money by the petitioner shall not affect the recovery of balance amount and other dues as the bank has already proceeded in accordance with the provisions of SARFESI Act, 2020.

Learned A.P.P. appearing on behalf of the State, however, opposes the prayer of the petitioner.

Having regard to the facts and circumstances of the case, let the above named petitioner Nos. 1 to 3, be released on bail, in the event of their arrest or surrender before the learned Court below within a period of six weeks from today, on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned A.C.J.M-I, Dalsing Sarai, Samastipur in connection with Dalsing Sarai P.S. Case No. 319 of 2019, subject to the condition as laid down under Section 438 (2) of the Cr.P.C. or any other conditions imposed by the Court below.

(Purnendu Singh, J)

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