

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.11373 of 2022

Arising Out of PS. Case No.-442 Year-2020 Thana- KHAGARIA District- Khagaria

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BINDU KUMARI @ BINDU DEVI WIFE OF CHITRANJAN KUMAR @
CHITYAN KUMAR @ CHITRAJAN KUMAR RESIDENT OF VILLAGE-
BHAGAT TOLA MATHURAPUR, P.S. KHAGARIA, DISTRICT-
KHAGARIA (BIHAR)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Bishweshwar Ram, Advocate
For the Opposite Party/s : Mr. Ramchandra Singh, APP
Mr. Suresh Pd Singh No.1, Advocate

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CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

5 19-12-2022 Heard learned counsel for the petitioner and learned
counsel for the Dakshin Gramin Bank.

The petitioner has preferred this application for grant
of regular bail in a case registered under sections 406 and 420 of
the Indian Penal Code.

As per the prosecution case, the petitioner who had
taken a loan of Rs. 30 Lakhs, sold the machinery purchased
from the said loan amount without paying back the loan taken as
also without prior permission of the Bank.

It is submitted by learned counsel for the petitioner
that the dispute is purely civil in nature. The Bank has already
proceeded against the petitioner under the SARFAESI Act. The



petitioner is in custody since 14.12.2021 and investigation in the case has been completed.

Prayer for bail is vehemently opposed by learned counsel appearing for the Bank. It is submitted that the petitioner who posed herself to be an entrepreneur did not have the intention to pay back the loan from the very beginning. On the Bank taking steps for auction of the machinery as a result of default in payment of loan by the petitioner, because of her influence in the area no one dared to turn up to participate and bid in the auction held. It is further submitted that the application for bail be rejected and instead the petitioner be directed to provide an offer for payment of the outstanding loan amount.

Having heard learned counsel for the parties and taking into consideration the nature of allegation together with the petitioner being in custody for a year since 14.12.2021 and charge-sheet having been submitted in the case, the petitioner is directed to be enlarged on bail in connection with Khagaria P.S. Case no. 442 of 2020 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Khagaria.



It is directed that the petitioner shall be properly represented and shall cooperate in the trial. In case the learned trial Court is of the opinion that the trial is being delayed due to non-cooperation on part of the petitioner, the learned trial Court will be at liberty to cancel the bail bond of the petitioner and to take her into custody till conclusion of the trial.

(Partha Sarthy, J)

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