IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.7232 of 2023

Arising Out of PS. Case No.-330 Year-2020 Thana- BUXAR District- Buxar

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PUJA KUMARI @ PUJA SINGH WIFE OF ASHUTOSH KUMAR R/O VILLAGE- ORAAP, P.S.- ITARHI, DISTRICT- BUXAR

... ... Petitioner/s

Versus

The State of Bihar

... ... Opposite Party/s

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Appearance :
For the Petitioner/s : Mr.Saket Tiwary, Adv.
For the Opposite Party/s : Mr.Pushpa Sinha, APP.

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CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN

ORAL ORDER

2 13-04-2023 Heard learned counsel for the petitioner and learned A.P.P. for the State.

The petitioner apprehends her arrest in a case registered for the offences punishable under Section 406, 420 of the Indian Penal Code and Section 138 of the Negotiable Instrument Act.

Prosecution case, in brief, is that, informant Abhay Kumar Dubey, has filed a written complaint before S.H.O., Buxar (Town) P.S. alleging therein that, on dated 24.01.2018, the informant took gold loan of Rs. 1,99,900 after keeping his wife's gold of 129.5 gms pledged in the local office of Muthoot Finance, Buxar. Thereafter, the informant deposited EMI of Rs. 2425 continuously. Subsequently, it was increased to Rs. 3665. On 22.02.2018, he deposited Rs. 30,000/- in the office but he was not given the official receipt. Company further demanded Rs. 1,40,000/-. On 02.07.2018, informant deposited Rs. 1,40,000/- but he did not receive any receipt of the same and it was said that after issuing of N.O.C. his gold would be returned by the Company. Finally, one day when the informant checked online, he found that not even a single rupees has been deposited in his gold account. Then Branch Head, Mamta Ji intervened in the matter and forced Ashutosh Singh and his wife to issue three cheques to the informant but informant had found that there is no sufficient balance in the account of the petitioners. Subsequently, after some time, the informant came to know that accused Ashutosh Singh was expelled from his work. Company has given notice to the informant to deposit the amount again otherwise his pledged gold shall be auctioned. Somehow, informant deposited Rs. 60,000/-. Ultimately, company gave notice to deposit Rs. 3 lacs to get back the gold which was already pledged with the company otherwise it will be auctioned. He further alleged that having conspiracy, the company along with its staff committed this offence.

It is submitted by learned counsel for the petitioner that petitioner is quite innocent and has committed no offence. No such occurrence as alleged ever took place. The husband of the petitioner was working in the Muthoot Finance Company. He has been falsely implicated in this case due to ulterior motive. The allegation levelled against the petitioner is not specific rather general and omnibus in nature. The petitioner has been portrayed as an accused in this case merely because she had issued a cheque of Rs. 30,000/- in favour of the informant for second hand car and when the informant could not repay the loan, he has misused the cheques given by the husband of the petitioner to show that he had given amount to the husband of the petitioner. Petitioner has no criminal antecedent as mentioned in para-3 of this application.

Learned APP for the State opposed the prayer for bail.

Having regard to the facts and circumstances of the case, as there is no specific overt act against the petitioner, let the above named petitioner, be released on bail, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned Court below where the case is pending/successor Court in connection with Buxar (Town) P.S. Case No. 330 of 2020, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

(Anjani Kumar Sharan, J)

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