

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42781 of 2023

Arising Out of PS. Case No.-143 Year-2022 Thana- JAMALPUR District- Munger

KIRAN KUMARI WIFE OF DHARMENDRA KUMAR D/O. LATE
RAMAWTAR PASWAN, RESIDENT OF MOHALLAH - NAYAGAON
(NEAR DURGA ASTHAN), P.S. - EAST COLONY, DISTRICT - MUNGER
AT PERMANENT ADDRESS RESIDENT OF VILLAGE
CHAMANGARDH, P.O. - KALA RAMAPUR, P.S. - NAYA RAM NAGAR,
DISTRICT - MUNGER

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Arun Kumar, Advocate
For the Opposite Party/s	:	Mr. Chandra Bhushan Prasad, A.P.P.
For the Bank	:	Mr. Nishi Nath Ojha, Advocate

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

- 2 11-08-2023 1. Heard learned counsel for the petitioner, learned
A.P.P. for the State and learned counsel for the Bank.
2. The petitioner apprehends her arrest in a case
registered for the offences punishable under Sections 406, 420,
421, 422 and 120(B)/34 of the Indian Penal Code.
3. Learned counsel for the petitioner submits that
petitioner is a person with clean antecedent and is a woman.
4. The informant alleges that Urmila Devi took a loan
of Rs.33 lakhs from the Central Bank of India and mortgaged
the land as detailed in the FIR and Chandan Kumar was the
guarantor of the said loan amount. It is further alleged that an



amount of Rs.24,88,000/- by way of housing loan was also taken by Urmila Devi and Chandan Kumar was a co-borrower of the housing loan of Rs.24,88,000/-. It is also alleged that later it transpired that the mortgaged land was sold by Urmila Devi, Chandan Kumar and Kiran Kumari (petitioner) in favour of one Subham Kumar thus it is alleged that the accused persons cheated and misused the public money.

5. Learned counsel for the petitioner submits that petitioner has been falsely implicated in the present case as petitioner is neither a loanee nor a co-borrower nor is a guarantor of any of the loan amount. It is further submitted that petitioner was married to Dharmendra Kumar about twenty years back and is daughter of Urmila Devi. It is next submitted that since the petitioner was not residing with her mother and brother as such she was not aware about the loan taken by the mother and the brother and since she was also having share in the property and on being asked by Urmial Devi and Chandan Kumar she executed the sale deed. It is also submitted that even the husband of the petitioner was not aware about the loan being taken by Urmila Devi and Chandan Kumar or else he would not have allowed the petitioner to execute the sale deed. It is further submitted that no doubt the petitioner executed the sale deed but



then she is not involved with the loan taken by Urmila Devi and Chandan Kumar nor she is guarantor of any of the loan and she was completely unaware that her mother and brother would made her execute sale deed with respect to a property mortgaged with the bank.

6. Learned counsel for the petitioner further submits that even Chandan Kumar has moved before this Court seeking anticipatory bail by filing Cr. Misc. No. 41070 of 2023 and in that case, he has sought two years time for redeeming the entire loan amount and the learned counsel for the bank has requested for time for seeking instruction.

7. Learned A.P.P. for the State and learned counsel for the bank vehemently opposed the prayer for anticipatory bail of the petitioner but are not able to rebut the submission of the learned counsel for the petitioner that she is neither a loanee nor a co-borrower nor is a guarantor of any of the loan amount and is a married daughter of Urmila Devi.

8. Considering the submissions made by the learned counsel for the petitioner, the petitioner above-named, in the event of her arrest or surrender before the learned Court below within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs.10,000/-



(Rupees Ten 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 Jamalpur P.S. Case No. 143 of 2022, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

(Satyavrat Verma, J)

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