IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32987 of 2024

Arising Out of PS. Case No.-135 Year-2020 Thana- SANHAULA District- Bhagalpur

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1. Arvind Kumar Akela Son Of Sundar Mandal Resident Of Village- Maheshpur, Ps- Sanhoulla, Dist- Bhagalpur
2. Bindu Devi @ Bindu Sinha Son Of Arvind Kumar Akela Village- Maheshpur, Ps- Sanhoulla, Dist- Bhagalpur

... ... Petitioner/s

Versus

1. The State of Bihar
2. Neeraj Kumar Son of Surendra Singh Resident of Village and P.O.- Maranchi, P.S.- Maranchi, Dist.- Patna, At present Branch Manager, Dakshin Gramin Bank, Branch Sanhoula, Bhagalpur

... ... Opposite Party/s

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Appearance :
For the Petitioner/s : Mr. Pramod Kumar Singh, Adv.
For the Opposite Party/s : Mr. Ahmad Ali, APP

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH

ORAL ORDER

3 24-06-2024 Heard learned counsel for the petitioners and learned counsel for the State.

2. The petitioners apprehend their arrest in connection with Sanhoula P.S. Case No. 135 of 2020 registered under Sections 406, 420 and 34 of the Indian Penal Code.

3. As per prosecution case, petitioner no. 1 has taken loan of Rs. 1 crore from Gramin Bank after mortgaging one property which is in the name of her wife. It is further alleged that when the petitioner did not pay the loan amount, then Bank seized the said property and during period of auction, the Bank came to

know that on the same property the wife of the petitioner has also taken loan from Union Bank of India.

4. Submission of learned counsel for the petitioners is that petitioner no. 1 is a social worker and due to dirty politics and to damage his political career, this false and concocted case has been lodged. He further submits that when it came to knowledge of the petitioner no. 1 that the said property has been mortgaged by the guarantor (petitioner no. 2), he gave an application on 11.09.2020 before the informant Branch Manager Dakshin Bihar Gramin Bank, Sanhoulla that by mistake the same property has been mortgaged and he is ready to mortgage another property with same condition. It is next submitted that the loan amount of Union Bank of India has already been settled and no dues certificate has been issued by the Bank. Petitioners are depositing their loan amount time to time and the dead line of loan amount is till 2025.

5. Learned A.P.P. appearing on behalf of the State opposed the prayer for bail by contending that these petitioners obtained loan after mortgaging the property. Thereafter petitioners did not repay the loan amount and when Bank took steps for recovery of loan by giving the mortgaged property for auction under the SARFAESI Act. It came in the

knowledge of the Bank that both the petitioners have mortgaged the same property with the another bank and this fact is concealed by these petitioners.

6. Having considered the nature of the accusation and the gravity of offence, this Court is not inclined to grant anticipatory bail to the petitioners. Accordingly, prayer for bail of the petitioners is rejected.

(Prabhat Kumar Singh, J)

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