

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39925 of 2024

Arising Out of PS. Case No.-261 Year-2022 Thana- BEGUSARAI COMPLAINT CASE
District- Begusarai

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1. Jyotsana Kumari @ Jyotsana, W/o Sri Vishal Jaiswal, Resident of Village -Laxmi Sagar Colony, P.S.- Darbhanga Sadar, District- Darbhanga at present Posted as Chief manager, Credit Monitoring Department, UCO Bank, Head Office, Kolkata
 2. Dheeraj Kumar S/o Sri Vidya Sagar R/o Hammad Road, Gurhatta, P.S.- Khajekala, District-Patna, at present posted as Branch Manager, UCO bank, Augan Branch, District-Begusarai

... .. Petitioner/s

Versus

1. The State of Bihar
2. Rekha Devi, W/o Late ajay kumar @ Ajay Kumar Gupta, R/o Ward no. 28, Lohiya Nagar, P.S.-Town(Lohiya Nagar O.P.) District-Begusarai.

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Ranjeet Kumar Pandey, Advocate
For the Complainant	:	Mr. Braj Bhushan Poddar, Advocate
For the Opposite Party/s	:	Mr. Uday Chand Prasad, APP

CORAM: HONOURABLE MR. JUSTICE SUNIL DUTTA MISHRA
ORAL ORDER

3 21-09-2024 Heard learned counsel for the petitioners and learned
Additional Public Prosecutor for the State.

2. The petitioners are apprehending their arrest in connection with Complaint Case No. 261C of 2022, registered for the offences punishable under Section 420 of the Indian Penal Code.

3. Allegation against the petitioners is that being a bank official, sold the mortgage property in a very less amount.

4. Learned counsel for the petitioners submits that



petitioners are innocent and have falsely been implicated in this case. He further submits that since the complainant had not made payment against the loan amount his account became NPA and due to that reason the mortgage property has been sold under the SARFAESI Act. The petitioners have no role in the said proceeding. Learned counsel for the petitioners further submits that since due process has been adopted by the bank, no case is made out against the petitioners even otherwise the complainant had the opportunity to take steps before learned DRT but inspite of going before appropriate forum for proper redressal, the complainant filed the complain case against the petitioners. Petitioners have no criminal antecedent and they undertake to cooperate in the trial of this case.

5. Learned counsel for the complainant as well as learned APP for the State oppose the prayer for anticipatory bail of the petitioners on the ground that the mortgage property was sold at very less amount without giving any notice to the complainant.

6. Considering the facts and circumstances of the case and submissions of learned counsel for the parties, let the petitioners, above named, in the event of their arrest or surrender before the Court below within a period of thirty days



from the date of receipt of the order, be released on bail on furnishing bail bonds of Rs. 10,000/- (rupees ten thousand) each with two sureties of the like amount each to the satisfaction of the concerned Court where the case is pending in connection with Complaint Case No. 261C of 2022, subject to the conditions as laid down under Section 438 (2) of the Code of Criminal Procedure.

(Sunil Dutta Mishra, J)

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