

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.83083 of 2023

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

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URMILA DEVI WIFE OF LATE RAMOTAR PASWAN R/O NAYAGAON,
SIKANDARPUR, JAMALPUR, P.S.- EAST COLONY, DIST.- MUNGER

... .. Petitioner/s

Versus

The State of Bihar PATNA

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Swami Parth Sarthy

For the Opposite Party/s : Mr.Mukesh Kumar Singh

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CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

2 29-01-2024 Learned counsel for the petitioner is permitted to remove the defect(s), as pointed out by the office, if any, within a period of three weeks from today.

2. Heard learned counsel for the petitioner and learned Additional Public Prosecutor for the State.

3. The petitioner is apprehending his arrest in connection with Jamalpur P.S. Case No. 143/2022 dated 12.08.2022 registered for the offence punishable u/s 406, 420, 421, 422, 120B read with 34 of the Indian Penal Code.

4. As per the prosecution case, the petitioner had taken cash credit of Rs. 33 lacs from Central Bank of India, Jamalpur for Maa Tara-Enterprises for which land of Tauji No. 5439, Thana No. 11, Khata No. 33, Municipality Plot No. 2871,



Holding No. 134/534, Ward No. 3, Sheet No. 33, Jamabandi No. 896, total area 7 dhur 10 dhurki were kept mortgaged. Chandan Kumar was guarantor. Further, the petitioner has also taken house loan from Central Bank of India, Jamalpur Branch on 26.03.2020 of Rs. 24,88,000/-. Chandan Kumar was also guarantor in that account. When the debtor did not paid the amount, the informant came to know that Urmila Devi, Kiran Kumari have sold the land to Shubham Kumar. They have sold the land already mortgaged to the Bank. It appears that Urmila Devi, Chandan Kumar and Kiran Kumari knowingly made forgery dishonestly under conspiracy and misused the public money for their own benefit.

5. Learned counsel for the petitioner has submitted that the petitioner has falsely been implicated in this case. The petitioner has no criminal antecedent as stated in para 3 of the bail petition. The petitioner is an old widow lady. The other co-accused person has already been granted bail by the Co-ordinate Bench *vide* order dated 17.10.2023 passed in Cr. Misc. No. 41078 of 2023. Learned counsel has submitted that the alleged non-payment of both bank loans relates to Civil dispute as there is no allegation of willful default on the part of the petitioner.

6. Learned A.P.P. for the State has vehemently



opposed the prayer for anticipatory bail of the petitioner.

7. Considering the aforesaid facts and circumstances of the case, let the above named petitioner, in the event of his arrest/surrender within a period of six weeks from today, be enlarged on anticipatory bail on furnishing bail-bond of Rs. 20,000/- (Rupees twenty thousand) with two sureties of the like amount each to the satisfaction of the learned court concerned, Munger in connection with Jamalpur P.S. Case No. 143/2022, subject to conditions as laid down under section 438(2) of the Code of Criminal Procedure, with further condition:-

(i). The petitioner is directed to remain physically present before the learned Court below on each and every date, failing which on two consecutive dates without reasonable cause, the bail bonds of the petitioner is liable to be cancelled.

8. The application stands allowed.

(Chandra Prakash Singh, J)

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