

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22631 of 2024

Arising Out of PS. Case No.-258 Year-2023 Thana- KHAJEKALA District- Patna

1. Sunita Devi Wife of Sri Shambhu Prasad Resident of Mohalla- Kesara Toli, Pani Tanki, Police Station- Khajekalan, Patna City, District- Patna
2. Shambhu Prasad Son of Late Dwarika Prasad Resident of Mohalla- Kesara Toli, Pani Tanki, Police Station- Khajekalan, Patna City, District- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Rajesh Mohan, Advocate
For the Opposite Party/s	:	Mr. Raj Kishor Singh, APP
For the UCO Bank	:	Mr. Ranjit Kumar Pandey, Advocate

CORAM: HONOURABLE MR. JUSTICE S. B. PD. SINGH
ORAL ORDER

6 03-03-2025 Heard learned counsel for the petitioner, learned counsel appearing on behalf of UCO Bank and learned APP appearing on behalf of State.

2. The petitioner is apprehending his arrest in connection with Khejekala P.S. Case No. 258 of 2023(P.T. No. 2953 of 2023) for the offence under Sections 188, 380, 420, 34 of the I.P.C.

3. As per the prosecution story, the informant who is Assistant Manager, UCO Bank, Patliputra Branch has lodged an F.I.R. against the petitioner in which he has alleged that from the official Memo No. 872 dated 15.12.2020 of SDO, (Control Room, Patna City) the premises of M/s Balajee Polly Packaging, Proprietor Sunita Devi, was sealed for non-payment



of loan under SARFAESI Act, 2002 and Rules made there under. Under the Act and Rules for property attachment, taken under possession in presence of deputed Magistrate on 22.12.2022 and sealed the subject building/factory as per Rule. On 01.07.2023, an information was received that proprietor Sunita Devi has broken the seal of the factory and has taken away the goods, to verify the said information, on 04.07.2023, the recovery agent of UCO Bank, namely, Avinash Kumar, went there and found that the seal was broken and a separate lock was put there.

4. Learned counsel for the petitioner submits that petitioners are innocent and has falsely been implicated in this case and have committed no offence. From perusal of FIR it appears that after the seal of said premises, the same was under the supervision of the Bank and its recovery agent Sri Avinash Kumar. In such circumstance, this is not possible for the petitioner who is an old and senior citizen to break the lock and commit the act of theft. Learned counsel further submits that petitioner no. 1 is businessman of plastic related industry in Patna City and doing her business in the name and 'style of M/s Balajee Polly Packaging'. The petitioners have taken loan from the UCO bank, Patliputra Branch, Patna and due to spread of



COVID-19 and some market issues, i.e. Government banned the plastic industries in July, 2022, they become were not in a position to pay the loan amount in the scheduled period. However, the petitioner is regularly paying the loan amount as mentioned in the amount of award of learned DRT, Patna dated 16.02.2023. Learned counsel further submits that there are so many valuable articles have been removed from the sealed premises which is under the control and possession of the Bank and the recovery agent of the Bank. On the other hand, Bank after receiving the entire dues amount from the petitioners, filed the present false and concocted case. The petitioner no. 1 is an old aged lady and suffering from various diseases. Petitioner no. 2 is the husband of petitioner no. 1 being guarantor of the loan implicated in this case. Till date, petitioners have deposited the entire amount except some miscellaneous charge and other clerical expenses on which bank is adamant to recover and due to delay committed by the petitioners, the Bank officials proceeded to institute the present criminal case.

5. Learned APP as well as learned counsel appearing on behalf of UCO bank has vehemently opposes the prayer for anticipatory bail of the petitioner.

6. Earlier, a report was called for from the concerned



Bank about the alleged loan amount whether the loan amount is recovered or not. As per the report, petitioners have paid the entire loan amount to the UCO Bank and no dues certificate has been issued by the said Bank. Keeping in view the aforesaid facts and submissions made on behalf of learned counsel for the petitioners, this Court is inclined to extend him the privilege of anticipatory bail.

7. Let the petitioner be released on bail in the event of arrest or surrender within a period of four weeks from the receipt of this order, on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of like amount each to the satisfaction of learned Judicial Magistrate, 1st Class, Patna City, Patna, in connection with Khejekala P.S. Case No. 258 of 2023(P.T. No. 2953 of 2023) subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(S. B. Pd. Singh, J)

Ankit Kumar/-

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