

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29243 of 2025

Arising Out of PS. Case No.-231 Year-2024 Thana- SAMASTIPUR District- Samastipur

1. Saroj Kumar Jha S/o Shiv Shankar Jha Resident of village- Eastern side of Girls High School, Kashipur, PS- Town, District- Samastipur
2. Usha Kumari W/o Saroj Kumar Jha R/o vill - Kalyanpur, ward no. 11, P.S.- Kalyanpur, Distt.- Samastipur

... .. Petitioner/s

Versus

1. The State of Bihar
2. Rajeev Kumar Choudhary S/o Uday Chandra Choudhary Assistant General Manager, Bank of Baroda, Regional Office, Darbhanga, P.S.- Town, Distt.- Darbhanga

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Brajesh Kumar Singh, Advocate
For the Opposite Party/s	:	Mr. Madan Kumar, APP
For the Bank	:	Mr. Sanjay Singh Thakur, Advocate
	:	Mr. Shashank Shekhar, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 05-08-2025 Heard Mr. Brajesh Kumar Singh, learned counsel for the petitioners, Mr. Sanjay Singh Thakur, learned counsel for the Bank and Mr. Madan Kumar, learned Additional Public Prosecutor for the State.

2. Learned counsel for the petitioners submits that during the pendency of the application, petitioner no.1, namely, Saroj Kumar Jha has been arrested. So the present application with respect to petitioner no.1, namely, Saroj Kumar Jha has become infructuous. Therefore, he seeks permission to withdraw this application with respect to petitioner no.1.



3. Permission is accorded.

4. Accordingly, this application stands dismissed as withdrawn with respect to petitioner no.1, namely, Saroj Kumar Jha.

5. The petitioner is apprehending her arrest in connection with Samastipur Town P.S. Case No. 231 of 2024, F.I.R. dated 30.10.2024 for the offences punishable under Sections 406, 420/34 of the Indian Penal Code and later on Section 467, 468, 471 and 120(B) of the Indian Penal Code.

6. Allegation against the petitioner is that she has taken loan from the Bank after mortgaging the gold.

7. Learned counsel for the petitioner submits that petitioner has clean antecedent and she has falsely been implicated in the present case. Infact the petitioner has pledge the gold in question to the bank which was verified by one Manoj Kumar Sah and when the Bank had found the genuineness of the gold, the Bank had granted loan to the petitioner and similarly situated co-accused persons, namely, Jitendra Kumar Choudhary, Poonam Kumari @ Punam Kumari, Najara Khatoon has been granted the privilege of anticipatory bail by this Court vide order dated 02.04.2025, 08.05.2025, 07.05.2025 in Cr. Misc. No. 18546 of 2025, Cr. Misc. No. 26011 of 2025 and Cr. Misc. No. 24910 of 2025 and other co-accused persons have been granted the privilege



of anticipatory bail be different co-ordinate Benches of this Court.

8. Learned counsel for the petitioner on instructions fairly submits that the petitioner is ready to pay the loan amount to the Bank and as per FIR loan amount has come in tune of Rs.3,17,000/-(Rupees Three Lakh Seventeen Thousand) on the date of filing of the FIR.

9. The learned Additional Public Prosecutor as well as learned counsel for the Bank have vehemently opposed the prayer for bail of the petitioner.

10. Learned counsel for the Bank submits that he has no objection if the petitioner is ready to return the loan amount with interest.

11. Considering the aforesaid facts and circumstances, let the petitioner, above named, in the event of 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 bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Samastipur in connection with Samastipur Town P.S. Case No. 231 of 2024, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure / Section 482(2) of the Bhartiya Nagarik Suraksha Sanhita and with other following conditions:-



i. At the time of furnishing bail bond, the petitioner shall produce a no objection certificate from the Bank which suggest that the petitioner has paid the loan amount to the Bank.

ii. Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the court and on her absence on two consecutive dates without sufficient reason, her bail bond shall be cancelled by the Court below.

iii. If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

iv. And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed her criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bond in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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