

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.63406 of 2025

Arising Out of PS. Case No.-241 Year-2025 Thana- ARA NAGAR District- Bhojpur

Nikita Kumari Wife of Vikash Kumar Upadhyay Resident of Mohalla - Ram Govind Singh Path, Jay Prakash Nagar, Police Station - Jakkanpur, District - Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner	:	Mr. Uday Chand Prasad, Advocate Ms. Pooja Prasad, Advocate Mr. Manoj Kumar, Advocate
For the State	:	Ms. Sangeeta Sharma, APP
For the Informant	:	Mr. Sanjay Kumar Ojha, Advocate Mr. Ved Prakash Chandra, Advocate

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 15-09-2025 Heard learned counsel appearing on behalf of the petitioner, learned APP appearing on behalf of the State and learned counsel appearing on behalf of the informant.

2. The petitioner apprehends her arrest in a case registered for the offence punishable under Sections 316(2), 316(5), 338, 336(3), 340(2) and 61(2) of the B.N.S..

3. As per prosecution case, it is alleged that this petitioner, in a planned conspiracy with other co-accused persons, took Rs. 55,00,000/- from the South Bihar Gramin Bank by keeping her land as equitable mortgage appertaining to Account No. 23, Khesra No. 635, Area 3.125 decimal situated at Mauza Betauda, P.S. No. 94, P.S. Beur, Patna through



Registered Deed No. 12947 dated 07.12.2018 at Dharhara branch on 23.12.2019 and thereafter, on the basis of letter of continuity, on 18.11.2021, took a loan of Rs. 25,00,000/- from Mirganj Branch, Ara and at present, there is combined loan of Rs. 83,26,870/- from the aforesaid banks and in the meantime, in a planned conspiracy, she prepared forged no dues certificate and executed a sale deed dated 04.10.2024 in favour of Rajo Prasad, Nitish Kumar Kaushal and Devkinandan Gautam and the co-accused persons also got the mutation receipt issued in their names and thus, in connivance with other accused persons, this petitioner sold the land which was mortgaged with the bank.

4. It is submitted by learned counsel appearing on behalf of the petitioner that petitioner is quite innocent and has committed no offence. As a matter of fact, petitioner is victim of circumstances and has falsely been implicated in this case merely on suspicion.

5. On the other hand, learned A.P.P. for the State and learned counsel appearing on behalf of the informant have vehemently opposed the prayer for grant of anticipatory bail to the petitioner and submitted that petitioner is named in the F.I.R. with specific accusation that she, in a planned conspiracy with other co-accused persons, sold the land which was mortgaged



with the bank on the basis of forged and fabricated no dues certificate. Petitioner has got one criminal antecedent.

6. Considering the facts and circumstances of the case, rival submissions, specific and direct nature of accusation and criminal antecedent of the petitioner, the prayer for grant of anticipatory bail to the petitioner is rejected.

(Prabhat Kumar Singh, J)

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