IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.72970 of 2024

Arising Out of PS. Case No.-801 Year-2023 Thana- BEGUSARAI TOWN District- Begusarai

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Savita Devi Wife of Chandradeep Kumar R/O-Pachpan Tola, Ward No. 14, Post Office -Lakho, Police Station -Begusarai Muffasil, District -Begusarai, PIN Code -851122

... ... Petitioner/s

Versus

1. The State of Bihar
2. The Branch Manager , Dakshin Bihar Gramin Bank, Bishunpur, Begusarai Begusarai

... ... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sanjeev Ranjan
For the Opposite Party/s : Mr. Syed Mojibur Rahman
For the Bank : Mr. Ranjeet Kumar Pandey

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA

ORAL ORDER

4 22-03-2025 1. Heard learned counsel for the petitioner, learned A.P.P. for the State and the learned counsel appearing on behalf of the Bank, Mr. Ranjeet Kumar Pandey.

2. The petitioner apprehends her arrest in a case registered for the offences punishable under Sections 420, 409 and 34 of the Indian Penal Code.

3. Learned counsel for the petitioner submits that petitioner is a person with clean antecedent and is a woman and the informant (Bank Manager) alleges that petitioner along with her husband in the year 2017-2018, being Director of Om Food Processing Private Limited and Om Food Products Industry Limited, had taken a loan of Rs. 11,95,28,126/- for which they

had mortgaged the property as detailed in the FIR, further the petitioner had taken a loan of Rs. 42 Lakhs in the year 2018 for purchasing 50 cows and for establishing a bio-gas plant, further at the time of taking loan, the husband of the petitioner had become guarantor of the loan and the petitioner had given an assurance that all the 50 cows would be insured and they will be looked after properly in accordance with the rules of the Bank and in the event if the loan is not repaid in that event the loan would be repaid along with the interest. It is next submitted that on 07.04.2022, a routine inquiry was made by the Bank when it transpired that the stock which was kept intact, was much less than what was mortgaged when the loan was taken, which amply demonstrates that the accused persons have swindled the mortgaged property leading to loss to the Bank, it is further alleged that the Bank also came to know that husband of the petitioner had already sold 10 kathas of land to one Mritunjay Kumar, but at the time of taking loan, the already sold land to Mritunjan Kumar was also mortgaged.

4. Learned counsel appearing on behalf of the petitioner submits that from perusal of the allegation as alleged in the F.I.R., it would manifest that the allegation is in two parts, the first part relates to a loan relating to Rs. 11,95,28,126/-

which is alleged to have been taken by both petitioner and her husband and the other loan with respect to Rs. 42 Lakhs was taken by the petitioner. It is further submitted that on account of Corona, some cows died, but then the petitioner was carrying out with her business, it is next submitted that since there was some difficulty in carrying out with the business on account of intervening Corona period, as such, the loan amount could not be repaid in time as such the Bank instituted OA No. 105 of 2023 dated 03.02.2023 before the D.R.T., Patna against the petitioner and her husband, it is submitted that the said OA No. 105 of 2023 was instituted by the Bank for recovering an amount of Rs. 39 Lakhs and odd which was loaned to the petitioner, it is clarified that no doubt the petitioner had taken loan of Rs. 42 Lakhs, but then since some amount was repaid to the Bank as insurance amount was received by the petitioner by way of compensation on account of death of cows, as such, the loan amount was reduced to Rs. 39 Lakhs and odd. It is next submitted that the O.A. No. 105 of 2023 was decided on 18.07.2024 in favour of the Bank, as such, the petitioner has option to challenge the order in accordance with law or to bear the consequences of the order in absence of challenge, but then institution of the instant FIR in uncalled for. It is further submitted that OA No. 105 of 2023 was instituted on 03.02.2023 and by that time the Bank had not instituted any criminal case. It is further submitted that Bank has also instituted two more OAs being O.A No. 568 of 2022 and O.A. No. 570 of 2022 against Om Food Processing Private Limited and Om Food Products Industries Limited. It is further submitted that petitioner has also taken resort to SARFAESI proceedings by filing SA No. 08 of 2024, it is thus submitted that when the Bank is already resorting to proceedings in accordance with law, then institution of the instant FIR against the petitioner is unwarranted, rather the instant criminal case has been instituted in order to coerce the petitioner into submission so that she parts with the fanciful demand of the Bank. It is further submitted that no doubt one of the properties mortgaged with the bank while seeking loan of Rs. 11 crores and odd was already sold to one Mritunjay Kumar, but then petitioner was not aware of the said fact and even the informant in the FIR has categorically alleged that it was husband of the petitioner who had indulged in such an act.

5. Learned A.P.P. for the State and the learned counsel appearing on behalf of the Bank oppose the prayer for anticipatory bail of the petitioner, but then are not in a position

to rebut the submission of the learned counsel appearing on behalf of the petitioner that Bank is already taking steps for recovering the loan amount in accordance with law.

6. Considering the submissions made by the learned counsel for the petitioner, the petitioner above-named, in the event of her arrest or surrender before the learned trial court within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned trial court where the case is pending/successor court in connection with Begusarai Town P.S. Case No. 801 of 2023 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

7. Accordingly, the instant anticipatory bail application stands allowed.

(Satyavrat Verma, J)

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