# IN THE HIGH COURT OF JUDICATURE AT PATNA
**CRIMINAL MISCELLANEOUS No.73450 of 2025**

Arising Out of PS. Case No.-16082 Year-2024 Thana- PATNA COMPLAINT CASE District- Patna

======================================================

Jyoti Dev W/o Mahesh Dev Resident of Mahesh Nagar, Road No 1, PS- Patliputra, District- Patna

... ... Petitioner/s

Versus

1. The State of Bihar
2. Dev Braham Sah S/o Late Krishna Chandra Sah R/o Mahesh Nagar, Road No. 1, P.S.- Patliputra, P.O. - Keshari Nagar, Distt.- Patna, Bihar

... ... Opposite Party/s

======================================================

**Appearance :**

| | | |
|---|---|---|
| For the Petitioner/s | : | Mr. Ramakant Sharma, Sr. Advocate<br>Mr. Puneet Siddhartha, Advocate<br>Mr. Aryan Sinha, Advocate |
| For the State | : | Mr. Shyam Kumar Singh, APP |
| For the O.P. No. 2 | : | Mr. Saroj Kumar Singh, Advocate |

======================================================

**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA**

ORAL ORDER

2 17-11-2025 Heard Mr. Ramakant Sharma, learned senior counsel for the petitioner assisted by Mr. Puneet Siddhartha, learned counsel, Mr. Saroj Kumar Singh, learned counsel for the complainant as well as Mr. Shyam Kumar Singh, learned Additional Public Prosecutor for the State.

2. The petitioner is apprehending her arrest in connection with Complaint Case No. 16082 (c) of 2024 for the offences punishable under Sections 316(2), 318(4), 336(1), 338, 351(2), 351(3), 61(2) and 3(5) of the BNS, 2023.

3. According to prosecution case, the petitioner along with other accused persons who are the director in the company

misappropriated and used the collateral property for their own use and were indulged in some illegal activity and done scam in the account of the said company and also tried to usurp the property.

4. Learned counsel for the petitioner submits that petitioner has clean antecedent and she has falsely been implicated in the present case. She has been made accused in the present case merely on the ground that she is sister-in-law of the complainant. The husband of the petitioner and the complainant have started a company on 13.03.2014 in the name and style of "MDS INFRANIRMAN PVT LTD" (hereinafter referred to as 'Company'). In the year 2018, the complainant while working in Dubai faced some trouble and he came back to India and became jobless. Thus, the mother-in-law of the petitioner had requested the husband of the petitioner to involve the complainant in work with him and accordingly, in the year 2018 the complainant started some work for the company but it was found that he has committed some grave error, so the company decided to call an extraordinary general meeting of the share holders for removing the complainant from the post of Director and further to appoint the petitioner as Director of the company. The meeting was held on 10.09.2021. The company has issued a

notice dated 04.10.2021 for conducting an extraordinary general meeting of the share holders on 30.10.2021 under Section 100(4) of Companies Act, 2013 for removing the complainant from the post of Director and appoint the petitioner as the Director of the company. The extraordinary general meeting of the members was held on 30.10.2021 whereby the complainant was removed as Director of the company and the petitioner was appointed as the Director of the company.

5. Learned counsel for the petitioner further submits that due to onset of COVID-19, the company suffered huge financial loss in the years 2020-23 and due to the same the company started failing to make payment towards EMIs of the loans amounts of the company. Then the Bank issued notice dated 11.03.2022 under Section 13(2) of SARFASI Act, 2002 to the company. The loan account of the company has been declared as NPA on 05.03.2022 by the Bank and process under the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 was initiated by the Bank and notice dated 25.04.2024 under Section 13(4) was also issued by the Bank. Thereafter, the e-auction notice was published by the Bank in the newspaper dated 28.04.2024. The husband of the petitioner had approached the Bank number of

times and requested for some more time as he was willing to repay the loan and he was also ready for one time settlement but despite the aforesaid, the Bank had published the e-auction notice in the newspaper dated 28.04.2024. The husband of the petitioner had also approached the authority concerned but no action whatsoever, was taken by the authority concerned. On 16.04.2024, the petitioner expressed her willingness to resign from the post of Director of the company and the same was accepted by the company. The husband of the petitioner had purchased the auctioned property by paying the consideration amount of Rs. 46,16,000/- to the Bank vide registered sale deed no. 7767 dated 15.06.2024. The husband of the petitioner has filed a title partion suit no. 148 of 2021 for his 1/3rd share in the ancestral property whereas, the complainant during the pendency of the said title partion suit has already sold 3 ancestral properties behind the back of the petitioner's husband and now want to grab the other properties as well and for that he has filed this frivolous case which completely shows the malafide intention of the complainant to grab the ancestral properties and secondly to sell the same illegally. Apart from the aforesaid, the petitioner has resigned from the post of Director on 16.04.2024 and the present complaint petition has been filed on 24.12.2024 i.e., after her resignation from the company.

6. The learned counsel for the complainant as well as learned Additional Public Prosecutor have vehemently opposed the prayer for bail of the petitioner and submits that the petitioner is the wife of the co-accused, Mahesh Dev who in collusion with the petitioner and other accused persons were committing the breach of trust and unlawfully availing the use of property which was already mortaged with the Bank.

7. Considering the aforesaid facts and circumstances that the petitioner has clean antecedent and she has resigned from the post of Director of the company before the filing of the present complaint petition, let the petitioner, above named, in the event of her 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 Judicial Magistrate, 1st Class, Patna in connection with Complaint Case No. 16082 (c) of 2024, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure and with other following conditions:-

i. 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.

ii. 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.

iii. 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 bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

**(Rajesh Kumar Verma, J)**

Vanisha/-

| | | | |
|---|---|---|---|
| **U** | | T | |