

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.88284 of 2024

Arising Out of PS. Case No.-166 Year-2024 Thana- DEEPNAGAR District- Nalanda

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1. Kiran Devi W/O Shrawan Kumar R/O Vill.- Deep nagar, P.S.- Deep Nagar, Dist.- Nalanda. Bihar
 2. Shiv Shankar Kumar S/O Shrawan Kumar R/O Vill.- Deep nagar, P.S.- Deep Nagar, Dist.- Nalanda. Bihar

... .. Petitioner/s

Versus

1. The State Of Bihar
2. The Branch Manager / Chief Manager, Punjab National Bank Garh Par, Biharsharif, Nalanda

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Syed Alamdar Hussain, Sr. Advocate
	:	Mr. Shashi Bhushan Kumar, Advocate
	:	Mr. Ashutosh Kumar Mishra, Advocate
For the State	:	Mr. Arun Kumar Singh, APP
For the Bank	:	Mr. Mritunjay Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

4 08-05-2025 Heard Mr. Syed Alamdar Hussain, learned counsel

for the petitioner duly assisted by Mr. Shashi Bhushan Kumar

and learned APP representing the State as also Mr. Mritunjay

Kumar representing the Bank.

2. The petitioners are apprehending their arrest in connection with Deep Nagar P.S. Case No. 166 of 2024 for the offence under Sections 188, 379, 461, 462, 120-B, 420 and 34 of the Indian Penal Code, lodged on 21.05.2024 by the informant, Uttam Kumar.

3. As per the prosecution story, the informant, the Bank official alleged that due to non-payment of the loan taken by the petitioners, the account became NPA in the year 2014. Pursuant to the legal action, the physical possession secure assets



were taken in the year 2017 and the allegation is that in the year 2024, upon visit they found lock broken and another lock having been put in by the accused side. This led to the F.I.R.

4. Learned Senior Counsel for the petitioner submits that the petitioner no.1 is the old mother while the petitioner no.2 is the son. After 2017, as the Bank put their lock, their assets remained inside. The Bank never bothered to take care of that and during Covid period, someone broke the lock, for the safety of their own asset, the petitioners put in a lock. Subsequently, the asset has been transferred to them, but now are facing a F.I.R. However, they are ready to face the trial.

5. Learned APP as also the learned counsel representing the Bank opposes the prayer for bail.

6. Taking into account the aforesaid facts as also the fact that one of the petitioner is an old lady, F.I.R. is there, they shall be facing the trial, a case has been made out for grant of relief, in that background, this Court is inclined to extend them 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 Chief Judicial Magistrate, Nalanda at



Biharsharif, in connection with Deep Nagar P.S. Case No. 166 of 2024 subject to the conditions as laid down under Section 438(2) of the Cr.P.C., as also with the following conditions:-

(i) one of the bailor should be the family member/relative of the petitioner who shall provide official document to show his/her bona fide;

(ii) the petitioners shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of their bail bond by the Trial Court itself;

(iii) the petitioners shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(iv) the petitioners shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of bail bonds.

(Rajiv Roy, J)

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