

In the Court of District & Additional Sessions Judge-II
Rosera , District-Samastipur
A.B.P. No. 1193 of 2026
C.I.S. No. 263 of 2026

In the matter of

Ashutosh Kumar Bharti.....Accused/ Petitioner.

VS.

State of Bihar..... Prosecution/O.P.

On behalf of the state/prosecution- Sri Ram Kumar, Ld. APP.

On behalf of the petitioner- Sri Pramod Kumar Ld. Advocate.

27.07.2026

ORDER

The present anticipatory bail petition has been filed on behalf of the accused petitioner namely **Ashutosh Kumar Bharti** in connection with Rosera P.S. Case No. 142 of 2026 under Sections- 318(4), 316(2), 3(5) of B.N.S.

As per the F.I.R., the prosecution story, in brief, is as follows-

The informant Murari Kumar, Branch Manager of Punjab National Bank, Rosera Branch, District Samastipur, stated in his application that the accused borrower, Ashutosh Kumar Bharti obtained a housing loan of Rs. 9 lakh 90 thousand from the bank on 20.09.2017 and mortgaged the property as security for the said loan. Despite the mortgage, he allegedly fraudulently sold the mortgaged property and not repaid his loan amount. In the background of aforesaid incident, the instant case has been lodged.

Ld. Counsel for the accused petitioner has submitted that no anticipatory or regular bail petition has ever been moved or pending or has been disposed of either by the Ld. Court of DAJ Rosera, or by the Hon'ble High Court, Patna. The petitioner has got no criminal antecedents. The petitioner is quite innocent and committed no offences. The petitioner is unable to pay one time dues amount. The petitioner is ready to abide by the terms and conditions imposed by the learned court. There is no chance of his absconding or tampering with the evidence. So, he prays to enlarge the accused petitioner on anticipatory bail.

On the other hand Ld. APP on behalf of state opposed the prayer for bail.

Heard both sides. On perusal of the record, it appears that there are allegations of cheating and criminal breach of trust, against the accused petitioner. According to para 03 of his bail petition there is no criminal antecedent of the petitioner. Relevant sale deeds have been filed by the informant alongwith the FIR. It appears true that the accused petitioner (loanee of the bank) has sold the mortgaged property by 02 sale deeds to 02 different persons. Through deed number 762, dated 22.01.2019, the petitioner sold 3.27 decimal of land to Babita Devi. Likewise, through sale deed number 7636 dated 31.07.2021 the petitioner sold 2.2 decimal of land to Suman Kumar. During hearing of the bail petition, Ld. Counsel of the petitioner has admitted that the mortgaged property has already been sold to others but this matter is of civil nature. It

In the Court of District & Additional Sessions Judge-II

Rosera , District-Samastipur

A.B.P. No. 1193 of 2026

C.I.S. No. 263 of 2026

Continue
27.07.2026

is pretty clear that the petitioner has mortgaged his land and taken loan from the bank. But without repaying the entire loan amount, he sold the mortgaged property without taking any permission or consent from the bank. Undoubtedly, the petitioner has committed the offence of criminal breach of trust against the bank. The offence of criminal breach of trust becomes more graver when it is committed against a financial institution because the public money is involved. Therefore, the petitioner do not deserves to be released on anticipatory bail.

Considering the aforesaid facts and circumstances, this court is not inclined to grant anticipatory bail to the petitioner. Accordingly, the anticipatory bail petition of **Ashutosh Kumar Bharti** stands **rejected**.

Dictated

Sd/-

(Rajiv Kumar Mishra)

District & Addl. Sessions Judge -II
Rosera

In the Court of District & Additional Sessions Judge-II

Rosera , District-Samastipur

A.B.P. No. 1193 of 2026

C.I.S. No. 263 of 2026

--	--