

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.20194 of 2014

Arising Out of PS.Case No. -330 Year- 2008 Thana -SAMASTIPUR District- SAMASTIPUR

Shibji Sahni @ Shivjee Sahni S/o Late Ram Autar Sahni Resident of
Village Sajanpur, P.S. Warisnagar, District Samastipur.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Birendra Kumar S/o Late Ram Naresh Singh Resident of Sonalika
Tractor Agency (campus), Apna Research Hospital, Patel Maidan, gate
No. 4, Kashipur, P.S. Samastipur Town, District Samastipur.

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sujit Kumar Singh

For the Opposite Party/s : Mr. J.N. Thakur (App)

**CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR
SINGH**

ORAL ORDER

05/ 16-09-2015

Heard learned counsels for the petitioner
and the State.

The petitioner has renewed his prayer for
anticipatory bail in a case registered for the offences punishable
under Sections 406, 420, 384 and 504/34 of the Indian Penal
Code.

Earlier the petitioner preferred Cr. Misc.
No. 37719 of 2012 which was dismissed due to non-compliance
of peremptory order.

The prosecution case is that the petitioner



purchased tractor from the agency of the informant after depositing Rs.49,800/- and agreed to pay rest consideration amount of Rs.2,70,000/- in monthly installment of Rs.10,000/- but the monthly installment was not deposited and again the petitioner agreed to deposit the entire amount within three months but subsequently the petitioner send the tractor to his daughter's house. It is further alleged that when the informant demanded the money then he was assaulted and his signature was obtained on plain paper forcibly.

It is submitted by learned counsel for the petitioner that the tractor was taken on 10.10.1999 for which complaint was filed on 26.09.2008.

It appears that the notices were issued to opposite party no.2-informant on 27.08.2014. Thereafter fresh notices were issued vide order dated 15.10.2014 but since O.P. No. 2 refused to receive the notice, hence, the notices issued to O.P. No. 2 was treated to be validly served vide order dated 07.01.2015

It is submitted by learned counsel for the petitioner that the petitioner is a retired public servant and aged about 73 years.

Considering the nature of accusation

arising out of contractual nature of relationship between the petitioner and the informant, it is a case for consideration of prayer for regular bail, if the petitioner surrenders before the learned court below within a period of six weeks from today in connection with Samastipur Town P.S. Case No. 330 of 2008 pending in the court of learned Judicial Magistrate, Ist Class, Samastipur. It is expected from the learned court below to dispose of the bail application of the petitioner preferably on the same day.

With the aforesaid observation, this application is disposed of.

(Dinesh Kumar Singh, J)

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