

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.22964 of 2014

Arising Out of PS.Case No. -200 Year- 2012 Thana -CHIRAIYA District-
EASTCHAMPARAN(MOTIHARI)

Sanjay Goel S/o sri P.C. Goel, the then State Business Head, Tata Motors Finance Limited, Office No. 601-602, 6th Floor, Kashi Place, P.S. Kotwali, Near Dakbunglow Chowk Town and Dist. Patna, at present posted as Regional Collection Head North Tata Motors Finance Limited, New Delhi
..... Petitioner

Versus

1. State of Bihar
2. Azizur Rahman S/o Motiur Rahman, vill-Kathmaliya P.S. Shikargunj, Dist. East Champaran.

..... Opposite Parties.

with

Criminal Miscellaneous No.49502 of 2014

Arising Out of PS.Case No. -200 Year- 2012 Thana -CHIRAIYA District-
EASTCHAMPARAN(MOTIHARI)

1. Bijay Pathak @ Bijay Kumar Pathak S/O Late Kanhaiya Lal Pathak At present working as General Manager, Ideal Dealers Pvt.Ltd. N.H.28.Bhagwanpur Chawk Muzaffarpur-842001

..... Petitioner

Versus

1. State of Bihar
2. Azizur Rahman S/O Motiur Rahman Village-Kathmaliya P.S-Shikargunj District-East Champaran

..... Opposite Parties

Appearance :

(In Cr.Misc. No.22964 of 2014)

For the Petitioner : Mr. Dayanand Singh

For the Opposite Parties : Mr. Vinod Shankar Modi (App)

(In Cr.Misc. No.49502 of 2014)

For the Petitioner : Mr. Dayanand Singh

For the Opposite Parties : Mr. Sharda Kumari(App)

CORAM: HONOURABLE MR. JUSTICE KISHORE KUMAR
MANDAL

ORAL ORDER

9 22-06-2015

Both the applications arise out of Chiraiya P.S. case

No. 200 of 2012 and as such they have been heard together and are being disposed of by the common order.

Heard the parties.

The petitioner of Cr. Misc. no. 22964 of 2014 is the

State business Head of the Tata Motors Finance Limited (for short 'the Tata Motors') whereas the petitioner of Cr. Misc. no. 49502 of 2014 is the General Manager of the Ideal Dealers Pvt. Limited. The bus was financed by the Tata Motors and sold by the Ideal Dealers Private Limited in favour of the mama of the informant, namely, Afroz Alam. On account of some default, the same was re-possessioned. Accordingly, present case has been lodged vide Chiraiya P.S. case no. 200 of 2012 under Sections 395, 394, 386 and 420 of the IPC.

Contention of the petitioners is that the bus has already been released in favour of the original loanee, namely, Shek Afroz @ Afroz Alam vide order dated 08.03.2013 (Annexure-22). The petitioners are not the persons who are said to have forcibly re-possessioned the vehicle. Earlier to this, Afroz Alam had lodged a case vide Chiraiya P.S. case no. 19 of 2011 in which the police submitted the final form. It is also contended that considering the aforesaid facts another co-accused of the present case , namely, U.P.Sinha (The C.E.O. of the Seller Company) has since been privileged with anticipatory bail vide order dated 20.10.2014 passed in Cr. Misc. no. 25097 of 2014 (Annexure-25).

Regard being had to the above, let the petitioner(s) of both matters, named above, in the event of their arrest/surrender before the learned Court below within a period of

four weeks from today, be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of the Sub Divisional Judicial Magistrate, Sikarahna, Motihari in connection with Chiraiya P.S. case no. 200 of 2012, subject to the condition as laid down under Section 438 (2) of the Cr.P.C. with following conditions:-

- (i) One of the bailors in each case shall be the own/close family member of the petitioner.
- (ii) As soon as the charges are framed the petitioners shall appear in person before the trial court on the date(s) fixed at the trial. In case of default in such appearance on three consecutive dates, the trial Court shall have liberty to cancel the bail bonds of the petitioners and secure their arrest in accordance with law.

(Kishore Kumar Mandal, J)

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