

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.21143 of 2014

Arising Out of PS.Case No. -40 Year- 2012 Thana -SAMASTIPUR COMPLAINT CASE District-
SAMASTIPUR

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1. Upendra Kumar son of late Baidyanath Mahto resident of village -
Bulakipur, P.S. Dalsinghsarai, District - Samastipur

.... Petitioner/s

Versus

1. The State of Bihar
2. Deepak Kumar @ Deepak Kumar Singh son of late Deo Narain Singh
resident of village - Basodhiya, P.S. Dalsinghsarai, District - Samastipur

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ashok Kumar Mishra

For the Opposite Party/s : Mr. Tapeswar Sharma(App)

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CORAM: HONOURABLE JUSTICE SMT. ANJANA MISHRA

ORAL ORDER

9 16-12-2015

Heard learned Counsel for the petitioner,

learned Counsel appearing on behalf of the complainant
and learned Counsel for the State.

The petitioner apprehends his arrest in
connection with Complaint Case No. 40 of 2012, for the
offences punishable under Section 420 of the Indian Penal
Code.

The learned Counsel for the petitioner submits
that an agreement had been made between him and the
Opposite Party No. 2 for sale and purchase of the Car.
However, there were certain difficulties on account of
which the Car could not be transferred to the complainant.



It appears that during the intervening period, for another offence the petitioner was taken into custody and, therefore, the matter came to be delayed. It is further submitted that the financier took stringent steps against him and, therefore, the Car in question was not formally registered in the name of the complainant and thereafter the complainant filed the present case. Close on the heels of filing present complaint, the complainant also went in for registering a Money Suit bearing Money Suit No. 07 of 2012 which is pending adjudication. He further submits that the case is one of purely civil nature and he is being unnecessarily harassed on account of its pendency. He submits that no parallel proceedings can continue in the said matter for the same set of facts.

Learned Counsel for Opposite Party No. 2, submits that there is a sale letter in favour of the complainant and also that the complainant has stated in the petition that the petitioner had taken away the vehicle along with the subsequent buyer namely Ramdeo Singh and in view of the fraud perpetuated by him, the petitioner may not be extended the privilege of anticipatory bail.

Considering the nature of allegations made against the petitioner and that Money Suit is also pending, let the petitioner above named, in the event of his arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, be enlarged on bail on furnishing bond of Rs. 10,000 (Rs. Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate, Dalsinghsarai, Samastipur in connection with Complaint Case No. 40 of 2012, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Anjana Mishra, J)

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