

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No. 44765 of 2015

Arising Out of PS.Case No. -35 Year- 2015 Thana -FORBESGANJ District- ARARIA

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Mantu @ Israil Ansari S/o Mainuddin Ansari, Village- Rampur,
Bhajanpura, North Tola, Ward No. 2, P.S.- Forbesganj, District- Araria.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.

For the Opposite Party/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN
AMANULLAH

ORAL ORDER

2 14-10-2015

Heard learned counsel for the petitioner and
learned A.P.P. for the State.

The petitioner apprehends arrest in
Forbesganj P.S. Case No. 35 of 2015 dated 29.01.2015
instituted under Sections 420/406/34 of the Indian Penal
Code.

The allegation against the petitioner is that he
took away the motorcycle belonging to the informant's brother
on a wrong pretext and thereafter never returned the same.

Learned counsel for the petitioner submits
that from the F.I.R. itself, it is apparent that both the
informant and the petitioner are in the same business of D.J.
sound and of the same town. It is further submitted that as
per the F.I.R. itself, when the petitioner is said to have gone



away with the motorcycle on 27.01.2015, the informant is said to have gone to the police from where the petitioner was called. Learned counsel submits that the petitioner never absconded or tried to evade the law and as per the admitted position in the F.I.R. itself, he was available on the phone and he came to the police station. It is further submitted that the mobile number which is said to have been used for calling the informant on 27.01.2015 does not belong to the petitioner and further there being business rivalry among the two parties, the F.I.R. is only to damage the reputation and business prospect of the petitioner. It is further submitted that the institution of the F.I.R. under Sections 406 and 420 of the Indian Penal Code is misconceived and the truthfulness of the allegation itself is suspect in view of the fact that Section 379 of the Indian Penal Code has not been invoked. It is further submitted that the petitioner has no criminal antecedent.

Learned A.P.P. submits that there is allegation of the petitioner taking away the motorcycle belonging to the brother of the informant on a wrong pretext.

Considering the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest or surrender before the court below within six weeks from today, the petitioner be released on bail upon furnishing bail bonds of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the Chief

Judicial Magistrate, Araria in Forbesganj P.S. Case No. 35 of 2015, subject to the conditions laid down in Section 438(2) of the Code of Criminal Procedure, 1973.

(Ahsanuddin Amanullah, J.)

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