

Arising Out of Complaint Case No. -573C Year- 2015 Thana -COMPLAINT CASE District-
JAMUI

.... Petitioner/s

1. The State of Bihar
2. Satya Deo Prasad Singh, Son of Late Parsuram Singh, Dealer Sonalika International Kisan Machinery Stores, Station Road, P.S. Jamui, District- Jamui.

.... Opposite Party/s

For the Petitioner/s : Mr.
For the Opposite Party/s : Mr.

4 10-11-2015 Heard learned counsel for the petitioner,
learned A.P.P. for the State and learned counsel for the
opposite party no. 2.

The allegation against the petitioner is that he has taken delivery of a tractor on the plea of paying the money later but even after two years, when the same was not returned, and the complainant is said to have approached him, he threatened with dire consequences and also did not return the money.

Learned counsel for the petitioner submits that the vehicle was taken after making of payment which is



clear from the photo copies of the receipts given by the complainant which shows that initially cash was paid for some amount and finally by November, 2013, the entire amount was deposited in the account of the complainant by the petitioner. It is submitted that subsequently when the petitioner was not given the original papers by the complainant even after clearing all the dues, he was forced to get registration done at Jharkhand, copy of which has also been brought on record. Learned counsel submits that in any view of the matter, as the issue relates to a purely commercial transaction and recovery of money, the lodging of the complaint case is abuse of the process of the Court since there is no criminality involved and the petitioner has a remedy to approach the Civil Court of competent jurisdiction for recovery of his money and taking back the possession of the tractor. Learned counsel submits that the sequence of events clearly establish that the complainant had received the money and with ulterior motive of getting something more by way of interest, this false case has been lodged. In support of such contention, he submits that the filing of the complaint case after two and a half years of the cause of action itself indicates false implication. It is further submitted that the petitioner has no criminal antecedent.

Learned A.P.P. and learned counsel for the complainant oppose the prayer of anticipatory bail and submit

that in good faith the tractor was given and later on when the money was asked, the same was refused. However, they are not in a position to explain as to under what circumstances the complaint case was lodged after two and a half years.

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 learned Judicial Magistrate, 2nd Class, Jamui in Complaint Case No. 573C 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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