

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.38798 of 2016

Arising Out of PS.Case No. -2128 Year- 2015 Thana -SARAN COMPLAINT CASE District-
SARAN

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Shrawan Kumar @ Bablu Kumar, Son of Rajendra Singh, Resident of
Village- Chandpur (Bhagwanpur), P.S.- Parsa, District- Saran.

.... Petitioner.

Versus

1. The State of Bihar.
2. Balwant Kumar, Son of Vishwakeshari Singh, Resident of Village-
Bankerwa, P.S. Parsa, District- Saran.

.... Opposite Parties.

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Appearance :

For the Petitioner : Mr. Surendra Kishore Thakur, Advocate.
For the State : Mr. Dashrath Mehta (APP)

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**CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR
MISHRA**
ORAL ORDER

2 04-10-2016 Heard learned counsel for the petitioner and the learned A.P.P.
for the State.

The petitioner apprehends his arrest in connection with
Complaint Case No.2128 of 2015, corresponding to Trial No.1808 of
2016, registered under Sections 420, 406 and 120(B) of the Indian
Penal Code.

The accusation is that the complainant/opposite party no.2
approached the Magma Fincorp Limited Company for finance to
purchase the truck and, accordingly, agreement was executed between
them and the Finance Company became ready to finance Rs.19,49,684/-
out of Rs.24,37,105/- of the price of the truck to the
complainant/opposite party no.2. Accordingly, the loan amount was



taken by the complainant/opposite party no.2 to purchase the truck from Magma Fincorp Limited Company and the loan amount was to be paid in 34 installments by the complainant/opposite party no.2 to Magma Fincorp Limited Company. The Complainant/opposite party no.2 purchased the truck on 31.03.2012 and started to make payment of the installments to Magma Fincorp Limited Company. On 21.03.2013, the petitioner and one Amit Kumar Mishra approached the complainant/opposite party no.2 to handover the truck to ply the same with an assurance that they will pay the installment to the Magma Fincorp Limited Company and they will pay Rs.8,06,000/ to him, then he will execute the sale letter in their favour. Accordingly, agreement was executed. While they paid the installment to the Magma Fincorp Limited Company since 31.03.2013 to 31.08.2015 but, thereafter, they stopped to make payment of the installments. The Magma Fincorp Limited Company lodged the complaint case against the complainant/opposite party no.2, then he approached the petitioner and his associate but they started to give threatening and refused to handover the truck to him and also refused to pay the installment and Rs.8,06,000/- which was to be paid to the complainant/opposite party no.2 for executing the sale letter.

Learned counsel appearing on behalf of the petitioner submits that, in fact, the complainant/opposite party no.2 did not make payment of the installment regularly to the Magma Fincorp Limited Company and when the financier of the aforesaid Company lodged the case

against the complainant/opposite party no.2, the complainant/opposite party no.2 with a view to save his skin lodged the present case with false allegation against the petitioner and Amit Kumar. Moreover, the offence, as disclosed in the complainant petition, appears to be civil in nature.

Having considered the facts and the circumstances of the case, let the petitioner, above named, in the event of his arrest or surrender by him within six weeks from today, be enlarged on bail on his furnishing bail bond of Rs.10,000/-(Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of Smt. Divya Shekhar, Judicial Magistrate, First Class, Saran at Chapra, in connection with Complaint Case No.2128 of 2015, corresponding to Trial No.1808 of 2016, subject to the conditions laid down under Section 438(2) Cr.P.C.

(Rajendra Kumar Mishra, J)

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