

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.51906 of 2016

Arising Out of PS.Case No. -70 Year- 2016 Thana -MINAPUR District- MUZAFFARPUR

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Purushottam Kumar

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner : Mr. Madhuri Lata, Advocate.

For the Opposite Party : Mr. Kanhaiya Kishore, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 08-12-2016 Heard learned counsels for the petitioner,

complainant/informant and learned counsel for the State.

The petitioner is apprehending his arrest in connection with Minapur P.S. Case No. 70 of 2016 for the offences instituted under Sections 420, 406, 323, 324, 379, 120(B), 467 and 468/34 of the IPC.

The prosecution story, in brief, is that the complaint/informant purchased a tractor. He had taken loan of Rs. 3,50,000 which was to be paid in 41 instalments. Total amount due was Rs. 5,03,125/- and Rs. 12325/- was fixed as instalment per month. He was regularly paying instalment but due to illness he could not pay the instalment in time. Due to non-payment of instalment, the petitioner seized the tractor without any seizure list. When he demanded his tractor, the petitioner told him to



deposit Rs. 2,00,000/-. Despite depositing of Rs. 2,00,000/- the said tractor was not released to him and with a conspiracy sold the said tractor on 08.03.2016 to other person. The paper of the tractor was also not given to the informant.

It has been submitted on behalf of the petitioner that the petitioner has got no criminal antecedent. There is no allegation of tampering with the witnesses alleged against the petitioner. He has falsely been implicated in the present case. The matter relates to hire and purchase of the vehicle. The petitioner is the Manager in Mahindra & Mahindra Financial Services at Muzaffarpur. The informant had taken loan for purchase of the Tractor. He had defaulted in making the payment. Hence the said tractor was seized by the Company as per the agreement between the parties. The petitioner has further relied upon the judgment reported in 1979(4) SCC 396 (Sardar Trilok Singh & Ors. Vs. Satya Deo Tripathi).

On behalf of the learned counsels for the complainant/informant and the State, it has been submitted that the petitioner is named in the complaint case/ F.I.R.

Considering the aforesaid facts and circumstances, let the petitioner above named, be released on bail in the event of his arrest or surrender before the learned court below within a period



of six weeks from today in connection with Minapur P.S. Case No. 70/2016 on furnishing bail bond of Rs. 10,000/-(Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned C.J.M., Muzaffarpur, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

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(Sudhir Singh, J)

