

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.15103 of 2016

Arising Out of PS.Case No. -966 Year- 2012 Thana -VAISALI COMPLAINT CASE District-
VAISHALI(HAJIPUR)

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Arvind Kumar Rai S/o Late Ram Nath Roy

.... Petitioner/s

Versus

State of Bihar & Anr

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sunil Kumar

For the Opposite Party/s : Mr. Subash Chandra Mishra(App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL ORDER

2 12-04-2016

Heard learned counsels for the petitioner and the State.

The petitioner is apprehending arrest in a case registered for the offences punishable under Section 406 of the Indian Penal Code.

The prosecution case is that the petitioner, being nephew (sister's son) of the complainant, approached the complainant to take his truck on lease. Consequently the petitioner entered into an agreement with the complainant. As per terms of the agreement the truck was handed over to complainant for agreement period of 30.06.2010 to 30.06.2015. As per agreement, the complainant has to pay the loan premium to the bank or financier and Rs. 2000/- per month to the petitioner. Thereafter, the complainant constructed new body of the truck costing Rs. 3 lacs and also replaced new tyre costing Rs. 1,

75,000/-. On 30.11.2010 the petitioner came to the house of the complainant and demanded the truck for some urgent work, the complainant handed over the truck but after repeated demand neither the truck nor the money spent on the truck was returned to the complainant.

It is submitted by the learned counsel for the petitioner that even assuming the accusation, no case under section 406 of the IPC is made out. Statement has been in paragraph 3 of the petition that the petitioner has no criminal antecedent.

Considering the aforesaid facts, let the above named petitioner be released on anticipatory bail in the event of arrest or surrender before the learned Court below within a period of twelve weeks from today on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of Smt. Swati Kumari Singh, learned JM, 1st class, Vaishali at Hajipur in connection with Complaint Case No. 966 of 2012, Tr. No. 1148 of 2015 subject to the conditions as laid down under Section 438(2) Cr.P.C.

(Dinesh Kumar Singh, J)

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