

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.17806 of 2016

Arising Out of PS.Case No. -690 Year- 2015 Thana -DANAPUR District- PATNA

Arvind Kumar Son of Sri Bijay Kumar Rai, R/o Mohalla- Barun Colony,
Gola Road, P.S.- Rupashpur (Danapur), District- Patna

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rama Kant Sharma, Sr. Advocate
: Mr. Murari Prasad Sinha, Advocate
For the State : Mr. Ram Bachan Singh(APP)
For the Informant : Mr. Baxi S.R.P. Sinha, Sr. Advocate
Mr. Arvind Kumar, Advocate

CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

3 11-05-2016 Heard learned counsel for the petitioner,
learned counsel for the informant and the learned A.P.P.
for the State.

Petitioner apprehends his arrest in connection
with Danapur P.S. Case No. 690 of 2015 registered for
offences punishable under Sections 406 and 420 of the
Indian Penal Code.

The prosecution case, in brief, is that on
15.01.2015, the informant got booked a Bolero vehicle in
Priyadarshi Motors on payment of Rs. 1,00,000/- in cash
and rest amount of Rs. 6,09,992/- was paid by him through



demand draft. Thereafter, he was told that the vehicle shall be delivered on 07.02.2015, but the same was not delivered to him. On 12.04.2015, a demand draft of Rs. 6,82,000/-, which was in the name of Rohit Motors, Ara, was given to the informant on the assurance that Rohit Motors, Ara will deliver the vehicle. On 13.04.2015, informant went to Rohit Motors, who took the said demand draft and told that after two days, vehicle shall be delivered. On 17.04.2015 when the informant went there, he was told that vehicle will not be delivered to him, as his money is due with Priyadarshi Motors from before. Ultimately, the informant approached the Priyadarshi Motors, who refused to deliver the vehicle and, as such, Priyadarshi Motors cheated the informant.

It has been submitted by the learned counsel for the petitioner that petitioner was just the Manager of the Automobile Company, namely, Priyadarshi Motors and neither any draft was issued in his favour nor any cash was given to him individually and it is the firm, Priyadarshi Motors, who deals in motor vehicles. He further submits that at that relevant time, he being Manager, was only an employee of Priyadarshi Motors and not the proprietor,



partner or authorized dealer of Mahendra Motors nor of Rohit Automobile, Ara. He further submits that petitioner joined another Automobile Company, namely, Kiran Automobiles Pvt. Ltd. on 01.04.2015, hence, no case either under Section 406 or under Section 420 of the Indian Penal Code is made out against him. He further submits that petitioner has no criminal history, as is evident from paragraph-3 of this application and any business dealing is with Priyadarshi Motors, as quotation, drafts and money transaction was with the dealer and he being the Manager has not misappropriated any money of the informant.

However, learned counsel for the informant submits that the petitioner was the Manager of Priyadarshi Automobile Private Limited and at his instance, he had agreed to purchase Bolero vehicle from the said company. Learned A.P.P. for the State, on the other hand, submits that the petitioner is named in the First Information Report, hence, opposes the prayer for bail.

Be that as it may, petitioner being the Manager of Priyadarshi Automobile Private Limited, let the petitioner, above named, in the event of his arrest or

surrender before the Court below within a period of eight weeks from today, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand only) with two sureties of like amount each to the satisfaction of learned Additional Chief Judicial Magistrate, Danapur, Patna in connection with Danapur P.S. Case No. 690 of 2015, subject to the conditions as laid down under Section 438 (2) of the Cr. P.C.

(Nilu Agrawal, J.)

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