

Arising Out of PS.Case No. -1354 Year- 2012 Thana -BUXAR COMPLAINT CASE District-
BUXAR

.... Petitioner

1. The State of Bihar.
2. Brij Bihari Mishra, Son of Late Padman Mishra, Resident of Chini Mill, Buxar, P.O. & P.S. Buxar Town, District- Buxar.

For the Petitioner : Mr. Devi Das Srivastava, Advocate
For the Opposite Party : Mr. Bhanu Pratap Singh, A.P.P.

The allegation of informant/complainant is that petitioner being the authorized D.S.A. of Magma Finance Company approached him to purchase Swift Dezire car on depositing of 1/4th of the total amount as margin money. Accordingly, he handed over Rs. 1,04,000/- and he took time to



deposit rest Rs. 40,000/- within a week. Thereafter, on 30.10.2012, petitioner went to the house of complaint and told him that due to non-payment of Rs. 40,000/- his loan has not been sanctioned then a cheque of Rs. 40,000/- of Indian Bank, Buxar Branch was given by the informant to the petitioner. The complainant approached several times to finance the loan but the same was not sanctioned. The complainant told the petitioner to return his money, but petitioner did not return his money.

Learned counsel for the petitioner submits that complainant has filed Complaint Case No. 1354 of 2012 with allegation that he is DSA of Magma Finance Company, but petitioner is neither agent nor he has any office. Further submission is that, in fact, complainant had taken Rs. Two Lakhs for providing job to the son of the petitioner, but job was not provided and on several requests Rs. 40,000/- was paid to him through cheque. As such the complainant has filed the present case with false allegation and he has also filed Complaint Case No. 81 of 2013 before the District Consumer Forum, Buxar for recovery of Rs. 2,50,000/- including the damage and litigation cost.

Having considered the facts and circumstances of the case and the nature of allegation against the petitioner, I am not

inclined to grant anticipatory bail to the petitioner. Accordingly, his prayer for grant of anticipatory bail stands rejected. The petitioner is directed to surrender before the trial Court within four weeks and pray for regular bail, which would be considered by the trial Court in accordance with law without being prejudiced by the order of this Court.

(Rajendra Kumar Mishra, J.)

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