

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.126 of 2016

Arising Out of PS.Case No. -68 Year- 2015 Thana -KANKARBAGH District- PATNA

1. Manoj Kumar Son of Late Ashok Kumar, Resident of Mohalla - M.I.G. 90, Lohia Nagar, P.S. Kankarbagh in the district of Patna.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Braj Nandan Kumar Tiwary, Advocate

For the Opposite Party/s : Mr. Anant Kumar (App)

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 06-01-2016

Heard learned counsel for the petitioner and the State.

The petitioner is apprehending his arrest in a case registered for the offences punishable under Sections 406, 420 of the Indian Penal Code.

The prosecution case is that the informant purchased a Hiwa truck from the petitioner for consideration amount of Rs. 6,51,000/-, when Rs. 4,20,000/- was paid and Rs. 2,31,000/- was remained due, out of which Rs. 80,000/- was to be paid on 15.02.2012 and rest amount of Rs. 1,50,000/- was to be paid to the financier. Subsequently, the informant claims to have given the Hiwa truck to the petitioner on lease of Rs. 1,10,000/- per month, but the petitioner paid the monthly rent for few months and thereafter stopped the

same.

It is submitted by the learned counsel for the petitioner that it was the informant, who was the defaulter in making payment of the entire consideration amount and in order to save his skin he created a forged agreement whereby Hiwa truck was alleged to be given on monthly rent to the petitioner. Statement has been made in para-3 of the petition that petitioner has no criminal antecedent.

Considering the accusation arising out of contractual nature of relation between the parties, let the above named petitioner be released on bail in the event of his arrest or surrender before the learned court below within a period of twelve weeks from today, on furnishing bail bonds of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Sri Satya Priya Anand, J.M., Ist Class, Patna in connection with Kankarbagh P.S. Case No. 68 of 2015, subject to conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Dinesh Kumar Singh, J)

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