

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.24269 of 2017

Arising Out of PS.Case No. -114 Year- 2016 Thana -PATAHI District-
EASTCHAMPARAN(MOTIHARI)

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1. Vinod Chaudhary, son of Late Sahdev Chaudhary, resident of Village-
Pachpakari, P.S.- Dhaka (Pachpakari O.P.), District- East Champaran.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Umesh Chandra Verma

For the Opposite Party/s : Mr. Smt. Pronati Singh

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

2 24-05-2017

Heard learned counsel for the petitioner and the State.

The petitioner seeks bail in Patahi P.S. Case No. 114 of
2016 instituted for the offence under Sections-498A, 323, 341 of
the Indian Penal Code.

As per allegation in the complaint petition, which was
sent to concerned police Station u/S 156(3) of the Cr. P.C., the
informant purchased a tempo on 24-03-2014 in his name from
M/S Sri Sai Auto Centre. The informant sold his tempo in favour
of the petitioner on 20-03-2014 for consideration amount of Rs.
14,500/- and prepared sale letter and affidavit and an agreement
was prepared in between the informant and the petitioner. The said
tempo was seized with illicit liquor on 05-03-2014 for which,
Patahi P.S. Case No. 92 of 2015 under the Excise Act was lodged.



The petitioner took thumb impression of the informant on 10-03-2015 on a blank paper on the pretext that it will be used in preparing document of tempo but the informant learnt that blank paper was Vakalatnama and the petitioner used the aforesaid vakalatnama in filing anticipatory bail petition before the learned District & Sessions Judge, Motihari on behalf of the informant which was reported rejected. The petitioner in this manner, committed cheating and forgery with the informant.

Counsel for the petitioner submitted that the tempo is still in the name of informant. It has not been registered in the name of the petitioner. It has further been submitted that the informant himself has filed anticipatory bail in Patahi P.S. Case No. 82 of 2015 and just to create a defence, he has filed this case implicating the petitioner in the aforesaid case. It has further been submitted that as per own allegation in the complaint, thumb impression on Vakalatnama was taken on 10-03-2015 but the complaint was filed on 19-05-2015 i.e. after delay of more than two months.

In such circumstances, the prayer for bail is allowed and the petitioner named above, is directed to be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each in connection with Patahi P.S.



Case No. 114 of 2016 to the satisfaction of learned Additional Chief Judicial Magistrate-VIII, Motihari subject to condition that both the bailors should be close relatives of the petitioner.

(Sanjay Priya, J)

A.K.V./-

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