

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.37869 of 2017

Arising Out of PS.Case No. -74 Year- 2016 Thana -KHODABANDPUR District- BEGUSARAI

=====

Chinmay Parashar, Son of Dr. Abdhesh Kumar Singh, Resident of
Meghaul, Police Station- Khodabandpur, District- Begusarai.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Shashi Dhar Jha, Adv.

For the Opposite Party/s : Sri Nand Kumar, APP

=====

CORAM: HONOURABLE MR. JUSTICE SANJAY KUMAR
ORAL ORDER

2 11-08-2017

Heard learned counsel for the petitioner and the State.

The petitioner apprehends his arrest in Khodabandpur
P.S. Case No.74 of 2016 instituted for the offence under Section(s)
420, 406/34 of the Indian Penal Code.

As per written report, informant had purchased Truck
after taking loan from the State Bank of India, Main Branch,
Begusarai. Thereafter, he entered into agreement with the
petitioner and co-accused Nishant Kumar in the year 2013. He
agreed to pay the installment of his loan. Some advance payment
was also made and after making payment of few installments he
stopped making payment of the installment and also got the truck
disappeared.

Counsel for the petitioner has submitted that since



Truck was hypothecated to State Bank of India, no transfer could have been made by the informant in the name of this petitioner. He took the Truck on lease to earn livelihood and also made payment of the installments. Thereafter, on 10.04.2014, the aforesaid vehicle was taken back by the informant on the pretext of obtaining No Dues from the Bank and thereafter the informant did not return the Truck to him.

In such circumstances, from the nature of dispute in the written report, this Court finds that the matter is purely civil dispute on account of money transaction between the parties.

In the facts and circumstances of the case, prayer of the petitioner for grant of anticipatory bail is allowed. In the event of surrender/arrest of the petitioner, named above, within six weeks from today in connection with Khodabandpur P.S. Case No.74 of 2016, he shall be released on anticipatory bail on furnishing bail bond of `10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the Sub-Divisional Judicial Magistrate, Manjhaul, Begusarai, subject to the conditions as laid down under Section 438(2) Cr. P. C. with further conditions (1) bailors should be local having sufficient immovable property within the jurisdiction of the court concerned, (2) petitioner shall cooperate in the trial and shall be present on each



and every date fixed by the court and absence on two consecutive dates without proper and reasonable reason will automatically cancel bail bond of the petitioner and (3) if petitioner tampers with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioner.

(Sanjay Kumar, J)

Mahesh/-

U		T	
---	--	---	--

