

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.38663 of 2017

Arising Out of PS.Case No. -237 Year- 2017 Thana -SUPAUL District- SUPAUL

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1. Umesh Mehta @ Umesh Kumar Mehta, S/o Chhedi Mehta,
2. Basanat Mehta @ Basant Kumar Mehta, S/o Umesh Mehta @ Umesh Kumar Mehta,
3. Pushpa Devi, W/o Umesh Mehta @ Umesh Kumar Mehta,

All Resident of Village-Mansapur, P.S. Karjain, District-Supaul

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Nafisuzzoha, Advocate

For the Opposite Party/s : Dr. Rabindra Kumar, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

2 22-08-2017 Heard learned counsel for the petitioners and the State.

The petitioners apprehend their arrest in Supaul P.S. Case No. 237 of 2017 instituted for the offence under Sections 420, 406, 34 and 120(B) of the Indian Penal Code.

It has been submitted on behalf of the petitioners that the concerned truck is still registered in the name of petitioner No. 3 which is apparent from Annexure-5. As per Annexure-4, insurance of the vehicle is also in the name of petitioner No. 3 which was valid from 15.03.2017 to 06.05.2017.

The informant has alleged that on 19.4.2013, the petitioner No. 3 had given her truck to the informant with



agreement that he will make payment of the installment to the Finance Company and will pay an amount of Rs.70,000/- to the petitioner No. 3 per month. He also paid Rs.2,77,000/- to the informant. It is further alleged that the informant paid the entire installment amount to the Finance Company. Thereafter, petitioner No. 3 put signature on various papers for transferring the vehicle in his name. Petitioner No. 1 brought the truck to his house on 1.4.2017 and, thereafter, despite several requests, he did not return it.

Learned counsel for the petitioners after referring to Annexures-4 and 5 has submitted that the owner book of the truck is still in the name of petitioner No. 3. There is no transfer done by the petitioner No. 3 in the name of the informant.

In the written report, the informant did not give any specific date on which the transfer has been done by petitioner No. 3 in favour of the informant.

Considering the facts and circumstances of the case, prayer for anticipatory bail of the petitioners is allowed. In the event of surrender/arrest of the petitioners, named above, within six weeks from today, in connection with Supaul P.S. Case No. 237 of 2017, they shall be released on anticipatory bail on furnishing bail bond of Rs.10,000/- (Ten thousand) each with two



sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Supaul, 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) petitioners 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 petitioners and (3) if petitioners tamper 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 petitioners.

S.Ali/-

(Sanjay Priya, J)

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