

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.38311 of 2017

Arising Out of PS.Case No. -317 Year- 2016 Thana -AGAMKUAN District- PATNA

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1. Dilip Kumar, son of Late Kishori Ram, a resident of Quarter No. 16/96,
L.B.S. Nagar, Police Station-Shastri Nagar, District-Patna.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Arvind Kumar Mouar, Advocate

For the Opposite Party/s : Mr. Ramchandra Singh, APP

For the Informant : Mr. Mayank Shekhar, Advocate

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

4/ 13-09-2017

Heard learned counsel for the petitioner and learned

APP for the State as well as counsel for the Informant.

Petitioner apprehends his arrest in Agamkuan P.S.

Case No.317 of 2016 instituted for the offence under Section(s)

419, 420, 408, 467, 471, 120-B Indian Penal Code.

Counsel for the petitioner has submitted that car was booked in the name of this petitioner with Prema Motors and loan was sanctioned in the name of Ritu Raj Mahdukar. The petitioner did not take delivery of the car and the amount of the loan was returned in the account of this petitioner as the car was booked in his name.

Counsel for the petitioner has further submitted that money was financed by Magma Finance Corporation Ltd. and it has no grievance. The Finance Company has not filed any case as



yet.

Counsel for the Informant has appeared. He has raised objection that loan was financed in the name of Ritu Raj Madhukar, but due to collusion of his staff, loan amount has been returned in the account of this petitioner.

Counsel for the petitioner has submitted that if money is returned in his account then this wrong is committed by the employee of Prema Motors and no cheating has been done by this petitioner. He is making payment of installment amount to the Finance Company as is apparent from Annexure-2 series. The finance company, namely, Magma Finance Corporation Ltd. or Ritu Raj Madhukar, in whose name loan was sanctioned, has no grievance at all.

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 Agamkuan P.S. Case No.317 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 Additional Chief Judicial Magistrate, 1st, Patna City, Patna, 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 Priya, J)

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