

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.3906 of 2017

Arising Out of PS.Case No. -185 Year- 2016 Thana -BAIRIYA District-
WESTCHAMPARAN(BETTIAH)

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Keyamuddin, Son of Late Usman Mian, Resident of Village- Gajarwa
Bazar, Tumaliya Tola Bairiya, P.S.- Bairia, District- West Champaran

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner : Mr. Umesh Chandra Verma, Advocate
For the Opposite Party : Smt. Veena Kumari Jaiswal (APP)

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CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA
ORAL ORDER

2 15-02-2017 Heard learned counsel for the petitioner and learned
counsel representing the State.

The petitioner apprehends his arrest in connection
with Bairia P.S. Case No. 185 of 2016, registered for the offences
punishable under Sections 406 of 420 of the Indian Penal Code.

Allegedly, the petitioner defaulted in payment of
loan amount of tractor, resulting, the tractor was seized by
recovery agent, but thereafter the petitioner took away the said
tractor without depositing the loan amount.

Submission is of false implication and that no offence
as alleged is made out. The State Bank of India has published
auction notice in Dainik Jagaran, wherein the tractor of the
petitioner is also mentioned and further in second auction notice



the valuation of the tractor is given. The bank is serving notice to settle the dispute in Lok Adalat, but the recovery agent has filed this false case only with a view to harass the petitioner and, as such, the petitioner deserves sympathetic consideration.

The learned A.P.P. opposes the prayer of pre-arrest bail.

In the facts and circumstances as stated above, considering that the petitioner allegedly took away the seized vehicle from the place of seizure without depositing the loan amount and, as such, I am not inclined to grant privilege of pre-arrest bail to him and accordingly his such prayer stands rejected in connection with Bairia P.S. Case No. 185 of 2016, pending in the Court of learned Additional Chief Judicial Magistrate-IV, West Champaran at Bettiah.

(Jitendra Mohan Sharma, J.)

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