

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.9074 of 2017

Arising Out of PS.Case No. -848 Year- 2016 Thana -SASARAM NAGAR District- SASARAM
(ROHTAS)

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Dinesh Kumar, Son of Sri Ram Subad Sah, Resident of Village- Nawadih,
P.S. Indrapuri, District- Rohtas. Petitioner

Versus

The State of Bihar. Opposite Party

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Appearance :

For the Petitioner : Mr. Vinod Kumar, Advocate

For the Opposite Party : Mr. Ram Bilash Roy Raman (APP)

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CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA
ORAL ORDER

3 07-04-2017 Heard learned counsel for the petitioner and learned
counsel representing the State.

The petitioner apprehends his arrest in connection
with Sasaram Town (Tilauthu) P.S. Case No. 848 of 2016,
registered for the offences punishable under Sections 406, 420 and
120(B) of the Indian Penal Code.

Allegedly, the petitioner executed agreement and
handed over the truck to the complainant/informant on 13.10.2015
with condition that dues installment before 13.10.2015 will be
paid by the petitioner in the Bank and thereafter the complainant
has to pay the instalment. The petitioner took Rs. 6,60,000/- from
the complainant out of which Rs. 6,55,000/- was through cheque
and Rs. 5,000/- was through cash, but the truck was seized by
accused nos. 2 & 3 who are Chief Manager and Recovery Officer
of State Bank of India, Dehri Branch, as the petitioner did not pay
the installment due.



Submission is of false implication and that the petitioner has paid the installment, but the informant did not pay any installment after taking possession of the truck and thereafter in the month of March the said truck was seized by the Bank Manager and Recovery Officer, it was the fault of the informant, the informant earned from October 2015 till February 2016 but did not pay the installment. During investigation the implication of accused nos. 2 & 3 have not been found true 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 the allegation attributed against the petitioner, I am not inclined to grant privilege of pre-arrest bail to him and accordingly his such prayer stands rejected in connection with Sasaram Town (Tilauthu) P.S. Case No. 848 of 2016 (G.R. No. 1815 of 2016), pending in the Court of learned Chief Judicial Magistrate, Sasaram.

(Jitendra Mohan Sharma, J.)

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