

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.16021 of 2017

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

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1. Nishant Kumar, son of late Valmiki Prasad Singh, R/o Village- Kapsiya,
Ward No.13, P.S.- Nagar, District- Begusarai.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Kundan Kumar Singh, Advocate

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

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

4/ 23-06-2017

Heard learned counsel for the Petitioner and the
State.

The Petitioner apprehends his arrest in
Khodawandpur P.S. Case No.74 of 2016 instituted for the offence
under Section(s) 420, 406/34 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 Chinmay Prasar in the year 2013. The
petitioner agreed to pay the installment of loan of the petitioner.
Some advance payment was also made. The petitioner after
making payment of few installments 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. The petitioner is a handicapped person and 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 the petitioner.

It has been mentioned in para 12 of the bail petition that the petitioner has paid Rs.4,58,000/- to the informant and co-accused-Chainmay Prasara.

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 Khodawandpur 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 Priya, J)

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