

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.38194 of 2017

Arising Out of PS.Case No. -160 Year- 2017 Thana -MADHEPURA District- MADHEPURA

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Mahanand Yadav @ Mahanth Yadav Son of Late Sudish Yadav, R/o
Village- Rajpur Sasrsandi, P.S.- Gwalpara, District- Madhepura.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Manoj Kumar, Adv.

For the Opposite Party/s : Sri Uday Pratap Singh, APP

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CORAM: HONOURABLE MR. JUSTICE SANJAY KUMAR
ORAL ORDER

2 18-08-2017 Heard learned counsel for the petitioner and learned
counsel for the State.

The petitioner apprehends his arrest in connection with Madhepura (Bharrahi) P.S. Case No. 160 of 2017 registered for the offence(s) punishable under section(s) 406 and 420 of the Indian Penal Code.

The informant, in his written report, has alleged that this petitioner being his tractor driver, took his tractor for cultivation purpose on 09.10.2016 agreeing to return the said tractor after 4-5 days. The informant after passing over such period, sent his son to the petitioner for tractor whereupon the petitioner refused to return the same and stated that he has purchased the said tractor from the informant.



The learned counsel for the petitioner submits that the petitioner purchased the said tractor from the informant, for which, a receipt was granted in his favour. He further submits that the occurrence of taking tractor allegedly took place on 09.10.2016 whereas the case has been lodged after five months, for which, there is no explanation. The dispute between the parties, is purely a civil dispute and so, the petitioner deserves anticipatory bail.

The learned Additional Public Prosecutor on the other hand, opposed the submission.

On perusal of the FIR, I find that the informant purchased the said tractor after taking loan from the Central Bank of India and he had given the said tractor to the petitioner for few days and thereafter, the same was not returned to him. The petitioner neither produced any receipt nor any paper to justify the purchase of tractor in his favour from the informant.

Considering the nature of allegation, facts and circumstances of the case, I am not inclined to grant anticipatory bail to the petitioner and accordingly, his prayer is rejected.

(Sanjay Kumar, J)

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