

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.41119 of 2018

Arising Out of PS. Case No.-88 Year-2018 Thana- BIHARIGANJ District- Madhepura

1. Amrendra Yadav S/o Late Bhpendra Yadav @ Late Bhupendra Yadav
2. Makhi Mandal @ Sanjay Mandal S/o Late Shivan Mandal and
3. Amardeep Yadav @ Amardeep Kumar S/o Amrendra Yadav, all residents of Madhukarchak, P.S.- Bihariganj, District-Madhepura.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sharda Nand Mishra

For the Opposite Party/s : Mr. Sri Bal Mukund Prasad Sinha

CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

2 13-07-2018 Heard learned counsel for the petitioners and learned APP
for the State.

Petitioners apprehend their arrest in Biharignj P.S. case no.
88 of 2018 instituted for the offence under Section(s) 406, 420
and 386/34 of the Indian Penal Code.

Informant has alleged in the written report that one year
prior to the date of lodging the FIR, the petitioner has taken the
Mahindra Zylo of the informant to carry the ailing wife of
petitioner no.1 to Silliguri for treatment. Thereafter, the car was
not returned although informant made several requests.

Learned counsel for the petitioners has submitted that from
the written report itself it appears that the vehicle was allegedly



taken by this petitioner one year back and the FIR was lodged after one year. Learned counsel for the petitioners pointed out Annexure-2 which is the document which shows that aforesaid vehicle has been purchased by the petitioner from the informant after making payment of Rs. 3,00,000/-.

Learned counsel for the informant has submitted that the vehicle has not been sold by the informant and the same has been seized by the police and is lying in the police station. From Annexure-2 it appears that in the year 2016 itself the vehicle was sold by the informant to the petitioner and for which Rs. 3,00,000/- was paid by the petitioner. From the written report itself it appears that the case has been filed after one year after taking of the vehicle by the petitioner from the informant.

In the facts and circumstances of the case, prayer of the petitioners for grant of anticipatory bail is allowed. In the event of surrender/arrest of the petitioners, named above, within six weeks from today in connection with Biharignj P.S. case no. 88 of 2018, they shall be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the Judicial Magistrate 1st Class, Udakishanganj, Madhepura, 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) petitioners 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 petitioners and (3) if petitioners tamper 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 petitioners.

(Sanjay Priya, J)

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