

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.50073 of 2017

Arising Out of PS.Case No. -223 Year- 2016 Thana -RAJGIR District- NALANDA
(BIHARSHARIFF)

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1. Mahendra Prasad Singh, son of late Ramcharitar Yadav, resident of village-Ram Gidarpur (Gidarpur) P.S. Hulasganj District Jehanabad.

.... Petitioner/s

Versus

1. The State of Bihar &
2. Savita Singh, wife of late Jairam Singh, resident of Mohalla-Bus Stand, P.S.-Rajgir, District- Nalanda.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Paras Nath, Advocate

For the Opposite Party/s : Mr. Kanhaiya Kishore, APP

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

4/ 04-04-2018

Heard learned counsel for the petitioner and learned

APP for the State.

Petitioner apprehends his arrest in **Rajgir P.S. Case No.223 of 2016** instituted for the offence under Section(s) 406, 420, 504 Indian Penal Code.

Notice was issued to the Opposite Party No.2, which has validly been served, but none has appeared on behalf of the Opposite Party No.2.

Prosecution, in short, is that Truck No. JH 02H 9099 is registered in the name of husband of the Complainant, which has been financed by Magma Finance on monthly interest. The husband of the informant entered into agreement with the petitioner on 26.04.2014 to sell the truck for the total value of



Rs.6,50,000/- out of which dues of Rs.4,30,000/- of Magma Finance was to be paid by the petitioner on monthly basis. It is further alleged that out of deduction of Rs.4,30,000/- from Rs.6,50,000/-, the petitioner has paid only Rs.2,00,000/- to the husband of the informant and rest amount Rs.20,000/- was to be paid by 16.01.2015, but the same has not been paid. In the meantime, husband of the informant died on 12.12.2014. Petitioner is plying the said truck after getting the owner book but has not paid dues loan of Magma Finance as per agreement nor he has paid road tax for which the informant served legal notice.

Counsel for the petitioner has submitted that after sale agreement, payment of rupees two lac was made to the husband of the informant and the truck was handed over to the petitioner but the owner book and other papers of loan was not handed over to the petitioner. In the meantime, husband of the informant has died on 12.12.2014. Since then the petitioner is making demand of owner book and other loan paper. The petitioner is not able to make payment to Magma Finance on account of not making available the papers to him by the Complainant.

The informant-Opposite Party No.2 has not appeared even after valid service of notice.



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 **Rajgir P.S. Case No.223 of 2016**, he shall be released on anticipatory bail on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the **Chief Judicial Magistrate, Nalanda, Bihar**, 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 his absence on two consecutive dates without proper and reasonable reason will be liable to cancel his bail bond 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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