

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.62021 of 2017

Arising Out of PS.Case No. -54 Year- 2016 Thana -DARBHANGA COMPLAINT CASE District-
DARBHANGA

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Baiju Sahni, Son of Sushil Sahni, Resident of Village- Kamrauli, P.S.-
Simri, District- Darbhanga.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Balram Mishra, Son of Yogendra Mishra, Resident of Village-
Aadharpur, P.S.- Ghanshyampur, District- Darbhanga.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Surendra Kumar Mishra, Advocate.

For the Opposite Party/s : Mr. Uday Chand Prasad, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

4 26-03-2018 Heard learned counsel for the petitioner and the State.

The petitioner apprehends his arrest in **C.R. No. 54 of 2016 P.S. Case No.** instituted for the offence under Sections 406, 420 and 120(B) of the Indian Penal Code.

It is alleged in the complaint petition that complainant has purchased Pick-up Van on loan of Rs.3,30,000/- through Chola Moudlam Investment and Finance Company Limited after giving margin money of Rs.93,000/-. Later on the complainant paid Rs.50,000/- to the said Company as monthly installment. It is alleged that on 12.02.2015 the complainant entered into agreement with petitioner after receiving Rs.40,000/- that petitioner will pay rest amount to the aforesaid finance company. The petitioner did



not make payment to the company as per agreement upon which the company seized the vehicle in question and sold the same. A Panchayti was held on 17.3.2016 in which the petitioner flatly refused to make payment to the complainant.

Learned counsel for the petitioner has submitted that complainant has no legal right to sell the aforesaid vehicle to the petitioner. The agreement of sale cannot be treated as document of sale of vehicle. The Finance Company was owner of vehicle. Informant has seized the vehicle and handed over to Navin Kumar Kushwaha.

Considering the facts and circumstances of the case, prayer for anticipatory bail of the petitioner is allowed. In the event of surrender/arrest of the petitioner, named above, within six weeks from today, in connection with **C.R. No. 54 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 **learned Sub Divisional Judicial Magistrate, Benipur, Distt. Darbhanga**, 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.

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(Sanjay Priya, J)

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