

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.36381 of 2018

Arising Out of PS. Case No.-300 Year-2016 Thana- MUZFFARPUR COMPLAINT CASE
District- Muzaffarpur

=====

Vivek Kumar, son of Sri Akhileshwar Prasad Sinha, resident of Village- Dighi Kala East, P.S. Hajipur Sadar, District- Vaishali. At present Registered Owner of Balram Traders National Highway- 28, Gobarsahi Chowk, Prakash Market, Muzaffarpur.

... .. Petitioner

Versus

1. The State of Bihar.
2. Ramsahay Singh, Son of Gena Singh, resident of Village- Anant Kamtaul, P.S.- Kurhani, District- Muzaffarpur (Owner of Aman Enterprises).

... .. Opposite Parties

=====

Appearance :

For the Petitioner/s : Mr. Vasant Vikas, Advocate
For the Opposite Party/s : Smt Sangeeta Sharma, APP

=====

CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY
ORAL ORDER

2 28-06-2018 Heard learned counsel for the petitioner and learned counsel for the State.

In this case, the petitioner is seeking anticipatory bail in connection with Muzaffarpur Complaint Case No.300 of 2016, registered for the offence punishable under Section 420 of the Indian Penal Code.

In this case, the petitioner submits that the complainant had purchased a tractor from his agency on 06.11.2014 and the said tractor met with an accident on



25.05.2015. Whereafter, a legal notice dated 29.05.2015 was sent for accident claim. The reply was sent by the petitioner on 20.07.2015 and after long lapse of time of 9 months the complaint case has been filed by the complainant, making allegation against the petitioner of non-depositing the tax amount and other incidental statutory amount. The Court has taken cognizance and issued notice.

Learned counsel for the petitioner submits that basically it is a civil dispute, but has wrongly given the colour of criminal case.

Considering the facts of the case, *prima facie* the submission of learned counsel for the petitioner appears to be correct.

Looking to the entire facts and circumstances of the case and also considering the fact that basically it is a civil dispute, let the petitioner, namely, Vivek Kumar, be released on anticipatory bail in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, on furnishing bail bonds of Rs.10,000/- (Rupees Ten Thousand Only) with two sureties of the like amount each to the satisfaction of the Chief Judicial Magistrate, Muzaffarpur, in connection with Muzaffarpur Complaint Case No.300 of 2016,



subject to the condition as laid down under Section 438(2) of
the Code of Criminal Procedure.

(Shivaji Pandey, J)

pawan/-

U		T	
---	--	---	--

