

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.33847 of 2016

Arising Out of PS.Case No. -58 Year- 2016 Thana -BARAUNI District- BEGUSARAI

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1. Ranjan Kumar, S/o Pawan Kumar Choudhary.
2. Chandan Kumar, S/o Pawan Kumar Choudhary.
Both are Resident of Mohalla- Pawan Automobiles Pvt. Ltd. NH-31, Near Harpur, P.S.- Barauni (Refinery O.P.), District- Begusarai.

.... Petitioner/s

Versus

1. The State of Bihar
2. Sanjeet Kumar, son of Sri Ramudgar Singh, r/o Harpur, P.O. Tilrath, P.S. Barauni (Refinery), Distt. Begusarai.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Binod Kumar, Advocate.
For the informant : Mr. Sandip Kumar Gautam, Advocate.
For the Opposite Party/s : Mr. Amit Kumar Rakesh

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

24 02-01-2018 Heard learned counsel for the petitioners and the State.

The petitioners apprehend their arrest in **Barauni Refinery P.S. Case No. 58 of 2016** instituted for the offence under Sections 406, 420, 467, 468, 471 and 120(B) of the Indian Penal Code.

Learned counsel for the petitioners has submitted that a Draft of Rs.29,83,939/- was drawn in the name of Pawan Automotive Pvt. Ltd. dated 20.02.2015 for purchase of truck by complainant and after receiving the aforesaid amount, sale certificate was issued by Pawan Automotive Pvt. Ltd. which is



enclosed as Annexure-B to the counter affidavit. In the sale certificate, the Chassis and Engine numbers have been mentioned. It is also mentioned that the vehicle of aforesaid Chassis and Engine numbers was sold to Sanjeet Kumar on 8.5.2015. Later on it was found that the aforesaid vehicle was already registered in the name of Ram Prakash Mandal on 09.05.2014 as oil Tanker which is annexed as Annexure-A series to the counter affidavit filed on behalf of the complainant.

Learned counsel for the petitioners has pointed out the documents filed in supplementary affidavit as Annexure-3 which is Form-29 and has argued that the complainant has filled the Form-29 for transfer of the ownership of the aforesaid vehicle in his name, and thereafter, the aforesaid vehicle was transferred in the name of the complainant. He has further submitted that Screen report issued from the District Transport Officer, Begusarai, will show that the vehicle is registered in the name of the complainant.

This Court finds from the documents annexed as Annexure-A series in the counter affidavit, that initial act of the petitioner was fraud. It is mentioned in the sale order about sale of the vehicle, mentioned in detail in sale certificate, after receiving Draft of Rs. 29,83,939/- on 8.2.2015. The sale letter was prepared on 8.5.2015 but aforesaid vehicle was already registered in the



name of one Ram Prakash Mandal on 9.5.2014 which would be apparent from Annexure-AxC of the counter affidavit.

The documents filed on behalf of the petitioner in the supplementary affidavit showing that complainant put signature for transfer of ownership of the vehicle in D.T.O. office itself shows that wrong sale certificate was prepared by the petitioner at the time of sale of vehicle after receiving draft of Rs.29,83,939/-.

Therefore, this Court is not inclined to grant anticipatory bail to the petitioner.

Prayer for anticipatory bail to the petitioner stands rejected.

S.Ali/-

(Sanjay Priya, J)

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