

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.6302 of 2018

Arising Out of Complaint Case No.-1856 Year-2016 Thana- MUZFFARPUR COMPLAINT
CASE District- Muzaffarpur

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Babu Lal Sahani, Son of late Prabhu Sahani, Resident of Village-Manikpur,
P.S. -Minapur, Distt.-Muzaffarpur.

... .. Petitioner/s

Versus

1. State of Bihar
2. Mahesh Pd. Yadav, Son of Bhekhdhari Rai, R/o Vill-Chhitarpatti, P.S.-
Minapur, Distt.-Muzaffarpur.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Alok Kumar Alok, Adv.

For the Opposite Party/s : Mr. J. N. Thakur, APP

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 01-02-2018 Heard learned Counsels for the petitioner and learned APP
for the State.

The petitioner is apprehending arrest in connection with a complaint case wherein process has been directed to be issued after cognizance being taken for the offences punishable under Section 406 of the Indian Penal Code.

The prosecution case as per the complainant Mahesh Prasad Yadav, is to the effect that the petitioner sold his pick-up van bearing Registration No. BRO6GA-9385 to the complainant for consideration amount of Rs.1,11,000/-. Out of which, the complainant gave Rs.61,000/- in cash and Rs.50,000/- through cheque when it was agreed that the complainant will make



payment of the balance amount to Mahindra finance. Subsequently, on repayment of the balance amount the 'No Objection Certificate' was not issued to the complainant. The petitioner is not transferring the ownership of the vehicle in question in favour of the complainant.

It is submitted by learned counsel for the petitioner that the petitioner filed Complaint Case No. 498 of 2016 with accusation under Section 406, 420 and 120B of the I.P.C., wherein, process has been directed to be issued after cognizance being taken for the offences punishable under Sections 406 and 420 of the Indian Penal Code against the complainant of the present case. The specific case of the petitioner was that in spite of the fact that the agreed consideration amount is Rs.1,11,000/-, but the complainant gave only a cheque of Rs.50,000/- and Rs.61,000/- was not paid to him. A statement has been made in paragraph no.3 of the petition that the petitioner is not having any criminal antecedent.

It is submitted by Mr. J. N. Thakur learned APP for the State that there is specific accusation against the petitioner.

Considering the accusation arising out of contractual nature of relationship between the parties, moreover, the complaint by the petitioner was filed at earlier point of time, let the above



named petitioner be released on anticipatory bail, in the event of arrest or surrender before the learned Court below within a period of 12 weeks from today, on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned CJM, Muzaffarpur, in connection with Complaint Case No. 1856 of 2016, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Dinesh Kumar Singh, J)

Ashwini/-

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