

Criminal Miscellaneous No.48693 of 2018

1. Sushil Kumar s/o Late Brajbhushan Singh r/o Talimpur, P.S. Madhuban, District East Champaran.
2. Sudhir Kumar s/o Sudama Mistry @ Sudama Sharma r/o Chitkohra Basti, P.S. Gardanibagh, District Patna.

Versus

... .. Opposite Party/s

For the Petitioner/s : Mr. Patanjali Rishi, Advocate
For the Opposite Party/s : Mr. Badri Narayan Singh, Sr. Advocate
Mr. Sakir Ahmad, APP

2 12-12-2018

1. Heard counsel for the petitioner and counsel

appearing on behalf of the State as well as the informant.

2. The petitioners are apprehending arrest in connection with Maner P.S. Case No. 109 of 2018 for offences under Sections 386, 420, 406, 120B and 34 of the Indian Penal Code.

3. Learned counsel for the petitioner submits that petitioner No. 1 is the Manager of Shri Ram Transport Company whereas petitioner No. 2 is staff of the said company.

4. The allegation in the complaint against the two petitioners are that they have acted contrary to law while seizing the vehicle of the petitioner for which the petitioner has obtained loan.

5. Mr. Patanjali Rishi, counsel for the petitioner submits that the finance company has seized the vehicle for non-payment of instalment in terms of the agreement and if the informant has any grievance in connection with seizure of vehicle or release thereof then such grievance can be raised in appropriate proceeding before appropriate forum.



6. Mr. Badri Narayan Singh, learned senior counsel appearing for the informant submits that petitioners have acted contrary to law and the terms of agreement by seizure of truck for non-payment of the instalments.

7. Learned counsel for the informant further submits that petitioner has approached the forum for release of the vehicle but the accused persons have been misusing their power and seized the truck as such they do not deserve bail.

8. Considering the totality of the facts, the court is inclined to enlarge the petitioners on bail. Let the petitioners, above named, in the event of arrest or surrender within four weeks from today, be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the Additional Chief Judicial Magistrate VI, Danapur, Patna in connection with Maner P.S. Case No. 109 of 2018, subject to the conditions as laid down under Section 438(2) Cr. P. C.

(Anil Kumar Upadhyay, J)

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