

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.18962 of 2018

Arising Out of PS.Case No. -418 Year- 2017 Thana -ARARIA District- ARRARIA

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Naushad Alam, Son of Late Helaluddin, Resident of Village- Rupail
Shyampur, P.S.- Palasi, Dist- Araria.

.... Petitioner

Versus

The State of Bihar.

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Ramesh Kumar Singh

For the Opposite Party/s : Mr. Anant Kumar

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL ORDER

6 29-05-2018 Heard learned counsel for the petitioner and learned APP
for the State.

The petitioner seeks anticipatory bail in a case registered for
the offence punishable under Sections 467, 468, 471, 323, 504, 420,
120B and 34 of the Indian Penal Code.

The dispute arose out of an agreement to sell of a
vehicle between the parties.

Learned counsel for the petitioner submits that in terms
of agreement, entire loan amount was paid to Tata Motors by the
petitioner, and thereafter, no dues certificate was obtained.
Accordingly, the vehicle was transferred in the name of the
complainant.

Contention of the learned counsel for the complainant is



that in fact, the complainant had paid the loan amount to Tata Motors and the petitioner did not pay in pursuance of agreement between the parties. Therefore, the petitioner apparently cheated the complainant.

Apparently, the matter is of accounting. Hence, the petitioner is directed to surrender before the court below within a period of 30 days from the date of receipt of the order and in that event, the petitioner above named, will be released on provisional anticipatory bail for a period of six months on furnishing bail bond of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of the learned Court below where the case is pending in connection with Araria P.S. Case No. 418 of 2017, subject to the conditions as laid down under section 438(2) of the Code of Criminal Procedure as well as condition that the petitioner shall fully co-operate with the investigation and trial of the case, failing which, the court below shall be at liberty to cancel the bail bond of the petitioner.

In the meantime, the petitioner shall settle the amount with the complainant and thereafter, the court below shall confirm the provisional anticipatory bail of the petitioner.

(Birendra Kumar, J)

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