

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.62038 of 2018

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

Mr. Jayant Kumar, Age about 35 years, S/o- Sri Madho Singh, Presently working as Sales Manager HDFC Bank Ltd., Branch -Choti Saraiyaganj, Jawaharlal Road, Muzaffarpur, Post-H.P.O., P.S.-Town, District-Muzaffarpur-842001.

... .. Petitioner/s

Versus

1. State of Bihar
2. Ram Sahay Singh, Aged about 42 Years, S/o- Sri Gena Singh, R/o-Village-Anant Kamtaul, P.S.-Kurhani, Distt.- Muzaffarpur, (Owner of Aman Enterprises).

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Dayanand Singh, Adv.
For the Opposite Party/s : Mr. Sakir Ahmad, APP

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 08-10-2018 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner is apprehending arrest in a complaint case wherein process has been directed to be issued after cognizance being taken for the offences punishable under Section 420 of the Indian Penal Code.

The prosecution case as per the complainant, Ram Sahay Singh is to the effect that Vivek Kumar, being the owner of Balram Traders, National Highway 28, Gobarsahi Chowk, Prakash Market, Muzaffarpur, persuaded the complainant to purchase a tractor. Subsequently, the complainant purchased the tractor, which was delivered to him on 07.11.2014. The dealer



assured the complainant that he will manage the loan affairs and other documentary formalities, but no document was provided to the complainant. Subsequently, the tractor of the complainant met with an accident on 25.05.2015 and when the complainant claims for insurance of the tractor in question then the surveyor demanded the document required for the insurance of the said tractor, but the documents was not supplied.

It is submitted by learned counsel for the petitioner that even assuming the accusation to be true, the thrust of accusation is against Vivek Kumar, the proprietor of the tractor dealership, who has been granted privilege of anticipatory bail by a co-ordinate Bench of this Court, vide Cr. Misc. No. 36381 of 2018.

It is further submitted that the complainant in order to misappropriate the loan amount, has lodged the present case with frivolous accusation.

Learned APP submits that after examining the L.C.R. and enquiry witnesses, the cognizance has been taken against the petitioner. A statement has been made in paragraph no.3 of the petition that the petitioner is not having any criminal antecedent.

Considering the nature of accusation arising out of contractual nature of dispute and the main accused having granted privilege of anticipatory bail, coupled with statement



made in paragraph no.3 of the petition that the petitioner is not having any criminal antecedent, 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 **JM, 1st Class, Muzaffarpur** in connection with **Complaint Case No. 300 of 2016**, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Dinesh Kumar Singh, J)

Amrendra/-

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

