

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.7335 of 2018

Arising Out of PS. Case No.-132 Year-2017 Thana- NAGARNAUSA District- Nalanda

Upendra Kumar, S/o Siyasharan Prasad, Resident of Village- Mohiuddinpur,
Police Station- Nagarnausa, District- Nalanda.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ajay Mukherjee

For the Opposite Party/s : Mr. Sri Tarun Prasad Mandal

CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

3 27-04-2018 Heard learned counsel for the petitioner and learned APP
for the State.

Petitioner apprehends his arrest in Nagarnausa P.S. case
no. 132 of 2017 instituted for the offence under Section(s) 379
of the Indian Penal Code.

It has been alleged that informant along with other
villagers as named in the written report purchased a pick up
bolero vehicle in the name of this petitioner. After purchase,
the said vehicle run for five month smoothly in partnership but
due to bad behavior of the petitioner partnership split up.
Thereafter, money invested by the petitioner has been returned
to him by the informant and sale paper was prepared and said
vehicle has been transferred in the name of informant and an
affidavit was also sworn by the petitioner regarding sale of said



vehicle. It is alleged that on 14.11.17 at 3 A.M. one Sanjeet Kumar and his mother Sakunti Devi saw that petitioner has taken away the vehicle towards east.

Learned counsel for the petitioner has submitted that he has been falsely implicated in this case due to leaving the partnership. The vehicle has not been recovered from his possession. He has transferred the vehicle to the informant after executing the necessary sale papers which is apparent from the written report. The informant in the written report has admitted that the sale letter was prepared and vehicle had been transferred in his name.

Learned counsel for the informant has appeared and opposed the prayer for bail.

In the facts and circumstances of the case, prayer of the petitioner for grant of anticipatory bail is allowed. In the event of surrender/arrest of the petitioner, named above, within six weeks from today in connection with Nagarnausa P.S. case no. 132 of 2017, he shall be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned J.M.1st Class, Hilsa (Nalanda), subject to the conditions as laid down under Section 438(2) Cr. P. C. with



further conditions:(1) bailors should be local having sufficient immovable property within the jurisdiction of the court concerned, (2) petitioner shall cooperate in the trial and shall be present on each and every date fixed by the court and absence on two consecutive dates without proper and reasonable reason will automatically cancel bail bond of the petitioner and (3) if petitioner tampers with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioner.

(Sanjay Priya, J)

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