

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.9274 of 2019

Arising Out of PS. Case No.-773 Year-2018 Thana- BANKA District- Banka

Surendra Kumar Yadav @ Surendra Yadav, aged about 34 years, Male, Son of Manmohan Yadav @ Chandra Mohan Yadav, Resident of Village-Olhani, P.S.- Banka, District-Banka.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Dhananjay Kumar Pandey

For the Opposite Party/s : Mr.Kalyan Shankar

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 18-02-2019 Heard learned counsels for the petitioner and the State.

The petitioner is apprehending arrest in a case registered for the offences punishable under Sections 406 and 420 of the IPC.

The prosecution case, as per the written report of Poonam Kumari, dated 18.11.2018, submitted to the S.P., Banka is to the effect that one Bolero vehicle was registered in the name of the husband of the informant, namely, Deep Narayan. The petitioner borrowed the said vehicle for some purpose, but he did not return the same. Subsequently, the informant came to know that the petitioner is using the said vehicle for commercial purposes. The said vehicle was subsequently found parked near the police



station.

It is submitted by learned counsel for the petitioner that the vehicle in question was taken by the husband of the informant on hire-purchase basis on loan, wherein the petitioner was the guarantor and since the petitioner was paying loan amount on the request of the husband of the informant, hence the said vehicle was handed over to the petitioner by the husband of the informant after entering into an agreement. The petitioner paid entire loan amount, and since the money was not returned to the petitioner, the petitioner filed Complaint Case No. 1246 of 2017 against the informant's side and hence, in order to save skin, the present case has been lodged. It is further submitted that the vehicle in question has already been released in favour of the informant.

Learned APP submits that the petitioner tried to cheat the informant.

Considering the nature of accusation, arising out of contractual nature of relationship, coupled with the 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/surrender before the learned Court below within a period of twelve weeks



from today, on furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of like amount each to the satisfaction of learned CJM, Banka in connection with Banka P.S. Case No. 773 of 2018, subject to the condition as laid down under Section 438(2) of the Cr. P.C.

(Dinesh Kumar Singh, J)

Amrendra/-

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