

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.11815 of 2019**

Arising Out of PS. Case No.-184 Year-2018 Thana- PAKRIDAYAL District- East Champaran

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Tunna Prasad, Son of Raghuvir Prasad, Resident of Village - and P.S.-
Pakaridayal, East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Karandeep Kumar

For the Opposite Party/s : Mr. Mukeshwar Dayal

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**CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA
JAISWAL**

ORAL ORDER

3 29-04-2019 Heard learned counsel for the petitioner and the
learned A.P.P. for the State.

The petitioner apprehends his arrest in a case
registered under Sections 467, 471, 406 and 420 of the Indian
Penal Code.

Informant is said to have purchased a Sonalika
tractor from the petitioner who happens to be proprietor of Om
Sri Sai Automobile giving cash of Rs. 2,31,000/- and getting
Rs. 4,80,150/- financed from a finance company and the
petitioner assured her to give the delivery of the said tractor on



the following day, but in vain. Then her advocate gave legal notice to the petitioner on 13.04.2018 but the petitioner did not comply the said notice rather sold it out to some other person.

It is submitted by learned counsel for the petitioner that no such occurrence as alleged ever took place. As a matter of fact, after paying part of amount in cash and getting the rest amount of the tractor financed petitioner gave delivery of the said tractor to the informant. When the petitioner demanded the money dues to the informant of the accessories, informant filed this false and frivolous case against the petitioner to mount pressure upon him. The delivery challan filed by the petitioner indicates the delivery of the aforesaid tractor by the petitioner to the informant. The occurrence is said to be of 20.12.2017, but the F.I.R. has been lodged after inordinate and abnormal delay of 9 months on 22.09.2018 without assigning any plausible explanation for the aforesaid delay.

Having regard to the facts and circumstances of the case, let the above named petitioner, be released on bail, in the event of his arrest or surrender before the learned Court below within a period of four 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 C.J.M., East



Champaran, Motihari in connection with Pakaridayal P.S. Case
No. 184 of 2018, subject to the condition as laid down under
Section 438 (2) of the Cr.P.C.

(Prakash Chandra Jaiswal, J)

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