

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34047 of 2019

Arising Out of PS. Case No.-179 Year-2014 Thana- COMPLAINT CASE District- Araria

Raj Kumar Chaudhary, Son of Late Ram Chalitar Choudhary, Managing Director, Maha Kali Motors Private Ltd., Commercial Vehicle Dealer, By Pass Road, N.H.-31, Maranga, P.S.- K.Hat, Dist.- Purnea.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. Sheo Kumar Raj @ Sheo Kumar Rai, Son of Sheo Nandan Rai, Resident of Village - Jogbani, P.S.- Jogbani, Dist.- Araria.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ajit Kumar Singh, Advocate
For the Opposite Party/s : Mr. Ram Sumiran Rai, APP

CORAM: HONOURABLE JUSTICE SMT. ANJANA MISHRA
ORAL ORDER

2 23-05-2019 Heard learned counsel for the petitioner and the learned counsel appearing on behalf of the State.

The petitioner is apprehending his arrest in connection with Complaint Case No.179C of 2014 for allegedly having committed the offence under Sections 323, 389, 420, 406, 467, 468, 471, 504 and 120B of the Indian Penal Code.

Learned counsel for the petitioner submits that the petitioner is the Managing Director cum Proprietor of Mahakali Motors Pvt. Ltd., which is an agency for sale of TATA Pick-up vehicles and the complainant of the present case and his nephew had purchased TATA A.C.E. 8 seater and TATA MAGIC Pick-up ACE vehicles from Mahakali Motors Pvt. Ltd. after



obtaining finance from TATA Motors Finance Ltd. Learned counsel for the petitioner submits that after the vehicle was financed, the petitioner as the Director-cum-Proprietor of Mahakali Motors Pvt. Ltd. had delivered the vehicles in favour of the complainant but subsequently, there was some dispute between him and the TATA Motors Finance with regard to the re-payment of the instalments, for which the petitioner had taken finance. As such, the TATA Motors Finance took away the vehicle which had led to filing of the present case as well. Learned counsel for the petitioner submits that the petitioner is merely a selling agent and has nothing to do with the financing of the vehicle as the same lies solely on the domain of the TATA Motors Finance and therefore the petitioner may be extended the privilege of pre-arrest bail. It is further submitted that the petitioner has committed no offence as the ingredients of Section 406 of the I.P.C. are not made out.

Considering the aforementioned facts and circumstances, let the petitioner, above named, in the event of his arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, be released on 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, Araria, in connection with Complaint Case No.179C of 2014, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Anjana Mishra, J)

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