

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39143 of 2019

Arising Out of PS. Case No.-1440 Year-2018 Thana- KATIHAR COMPLAINT CASE
District- Katihar

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VIBHASH PASWAN Son of Sri Ram Pratap Paswan Resident of Village-
Maheshpur, Police Station- Manihari, District- Katihar.

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR
2. Rahul Kumar Sah son of Birendra Sah Resident of Village- Maheshpur, Seej
No. 8, P.O. Dilarpur, Police Station- Manihari, District- Katihar.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr.Md. Rahmatullah, Advocate
For the Opposite Party/s	:	Mr.Narendra Kumar Singh, APP
For O. P. No. 2.	:	Mr. Bimal Kumar, Advocate

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

4 20-09-2019 Heard learned counsel for the petitioner, learned APP
for the State and learned counsel representing the O. P. No. 2.

The petitioner in this case is seeking anticipatory bail
in connection with C.A. Case no. 1440 of 2018 in which
cognizance has been taken under Sections 406, 420, 323 and
504 of the Indian Penal Code.

Learned counsel for the petitioner submits that the
petitioner is not the owner of the vehicle in question against
which he is said to have received sum of Rs. 3 lakhs from the
complainant and promised to sale the vehicle on a total
consideration amount of Rs. 3,50,000/-. Learned counsel
submits that the vehicle is in the name of one Md. Shamsul.



Learned counsel for the complainant, however, submits that this petitioner has duped the complainant by making him to believe that the vehicle belongs to him and then has received Rs. 3 lakhs from the complainant on the pretext that he had already purchased the vehicle from Md. Shamshul. In this connection learned counsel for the complainant has produced the endorsed copy of the agreement duly signed by the petitioner and the complainant in presence of the witnesses.

Learned counsel for the petitioner does not dispute the signature thereon but only submits that his signature was obtained on blank sheet of paper.

In the facts and circumstances of the case where *prima-facie* materials are available on the record to show that the petitioner has received a sum of Rs. 3 lakhs from the complainant and agreed to transfer the vehicle to him which in fact did not belong to the petitioner, this Court is not willing to extend the privilege of anticipatory bail to him.

The application stands dismissed.

(Rajeev Ranjan Prasad, J)

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