

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.63118 of 2018**

Arising Out of PS. Case No.-710 Year-2010 Thana- MUZFFARPUR COMPLAINT CASE
District- Muzaffarpur

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Awdhesh Kumar, S/o Late Kishori Singh, Resident of Village-Belwar, P.S.-
Belsar O.P., Distt.-Vaishali

... .. Petitioner/s

Versus

1. The State Of Bihar
2. Jankak Kishore Yadav S/o Late Devnandan Sahay, Resident of Village-
Hanuman Nagar, Lane No.-04, Circuit House Road, P.S.-Kazi
Mohammadpur, Distt.-Muzaffarpur

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Pawan Kumar Singh
For the Opposite Party/s : Mr.Sri Ataur Rahman

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

6 09-04-2019 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner is apprehending his arrest in a
complaint case wherein process has been directed to be issued
after cognizance being taken for the offence punishable under
Section 406 of the Indian Penal Code.

The prosecution case as per the complaint petition is
that the complainant being the General Manager of Farm
Machinery Centre, Muzaffarpur, a tractor agency alleged that
under demonstration scheme of the farm, the petitioner took a
tractor valued at Rs.3,95,105/- and paid Rs.46,000/- at the time
of taking the tractor and promised to pay the remaining amount



of Rs.2,79,605/- within the period of two months. On demanding on several occasions, the petitioner paid Rs.69,500/- by way of depositing the same into the company's fund and did not pay the remaining balance.

It is submitted by learned counsel for the petitioner that the present complaint was filed on 22.03.2010 whereas the petitioner filed Complaint Case No. 617 of 2010 on 15.03.2010 against the complainant's company namely, Farm Machinery Centre to the effect that the petitioner took a tractor on advance payment of Rs.1,02,000/- thereafter, certain lands were mortgaged with State Bank of India, Muzaffarpur Branch and the tractor was delivered on 26.03.2017. However, Rs.15,000/- was realized for the insurance and registration of the tractor in question. Subsequently, the petitioner made payment of Rs.4,12,224/- in installments for which some receipts were given but some remaining receipts were not given to the petitioner and when the petitioner demanded Rs.1,50,000/-, the complainant lodged the present complaint against him. A statement has been made in paragraph 3 of the petition that the petitioner is not having any criminal antecedent.

Learned counsel for the complainant submits that the petitioner is a defaulter and has not made payment to the



complainant's firm and has admitted that the complaint has been filed by the petitioner at earlier point of time.

Considering the accusation arising out of contractual nature of relationship between the complainant and the petitioner and complaint filed by the petitioner at earlier point of time, coupled with the statement made in paragraph 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 or 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 the like amount each to the satisfaction of learned Sub Judge-XIII -cum- A.C.J.M.-XIII, Muzaffarpur in connection with Trial No. 1324 of 2018, arising out of Complaint Case No. C-710 of 2010, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Dinesh Kumar Singh, J)

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