

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.71470 of 2018

Arising Out of PS. Case No.-100 Year-2016 Thana- KOCHAS District- Rohtas

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1. Sanjay Pathak.
 2. Santosh Pathak. Both Sons of Late Baban Pathak, Both are Resident of Village-Kapasiya, P.S.-Kochas, District-Rohtas.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rajani Kant Singh

For the Opposite Party/s : Mr. Anuj Kumar Srivastava

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 08-01-2019 Heard learned counsels for the petitioners and the

State.

The petitioners are apprehending arrest in a case registered for the offences punishable under Sections 406, 420 and 120 (B) of the Indian Penal Code.

The prosecution case is that on 17.12.2013, the informant sold his truck to petitioner no.1, Sanjay Pathak. As per the agreement of the sale deed, remaining amount was to be paid in 45 installments to the financier namely Tata Motors Finance Ltd. In the month of February, 2015, the informant came to know that the accused persons have not made any payment to the Tata Motors Finance Ltd., and all the installments remain due. Thereafter, on 09.02.2018, the informant contacted the accused persons when the accused



persons assured to make payment of the due installments, but the accused persons did not subsequently make any payment. Thereafter, on 20.12.2018, the informant gave legal notice to the accused persons, but the accused did not reply the same. It is further alleged that under a conspiracy, the accused persons, after committing breach of trust, have and cheated the informant and have grabbed the truck of the informant which has caused a loss of Rs. 19,00,000/- to him.

It is submitted by the learned counsel for the petitioners that the agreement of sale was prepared between the informant and petitioner no.1, and the installments were to be paid through the bank account of the informant. Hence, the money was deposited in the bank account of the informant to pay the loan amount to the Tata Motor Finance Ltd., from where the loan was sanctioned.

It is submitted by the learned APP for the State that the accusation is specific against the petitioners.

Considering the accusation arising out of contractual nature of dispute between the parties, let the above named petitioners be released on anticipatory bail in the event of arrest/surrender before the learned Court below within a period of 12 weeks from today, on furnishing bail bonds of Rs.



10,000/- (ten thousand) each with two sureties of like amount each to the satisfaction of learned **A.C.J.M. 1st, Sasaram, District- Rohtas** in connection with **Kochas P.S. Case No. 100 of 2016**, subject to the conditions as laid down under Section 438(2) of the Cr. P.C.

(Dinesh Kumar Singh, J)

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