

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.74363 of 2018

Arising Out of PS. Case No.-193 Year-2016 Thana- COMPLAINT CASE District- Banka

Badri Yadav, Son of Manu Yadav, Resident of Village- Nanan Pair, P.S.-
Dhoriya, District-Banka.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Suresh Mandal, Son of Late Mahvir Mandal, Resident of Village- Nayagaon,
P.S.-Baunsi, District-Banka.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Dhirendra Kumar
For the Opposite Party/s : Mr. Bharat Bhushan

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 10-01-2019 Heard learned Counsels for the petitioner and

learned APP for the State.

The petitioner is apprehending 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 purchased a Sonalika Tractor through MAMAITL Finance Limited. The tractor was in the possession of the complainant since 06.08.2014, but no document against the said tractor has been issued, as a result, the complainant could not use the tractor. On 22.01.2016, the petitioner, being the agent of alleged finance company, took away the tractor in question and when he was chased by villagers he left the tractor



and escaped away from the scene.

It is submitted by learned counsel for the petitioner that admittedly the complainant has not given any money to the petitioner. The petitioner is only alleged to have made an attempt to take away the tractor. It is further submitted that for the occurrence of 22.01.2016, the complaint was registered on 23.02.2016, i.e. after lapse of more than one month, hence, offence under Section 406 is not made out against the petitioner. A statement is made in paragraph 3 of the petition that the petitioner is not having any criminal antecedent.

Learned APP submits that after finding prima facie case, cognizance has been taken against the petitioner.

Considering the fact that the thrust of accusation is against the Magma ITL Finance Ltd., delayed filing of the complaint, coupled with statement made in paragraph no.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 12 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 **JM-1st Class, Banka** in connection with **Complaint Case No.**



193 of 2016, subject to the conditions as laid down under
Section 438(2) of the Cr.P.C.

(Dinesh Kumar Singh, J)

Deepak/Rahul/-

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