

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.80316 of 2018

Arising Out of PS. Case No.-57 Year-2018 Thana- KOILWAR District- Bhojpur

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Haidar Ali Son of Ahmad Hussain, Resident of Village- Dudh Katora, Arrah,
Police Station- Arrah Nagar, District- Bhojpur.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ashok Kumar Singh

For the Opposite Party/s : Mr. Ram Bilash Roy Raman, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

3 25-01-2019 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

This application for anticipatory bail, arises out of
Koilarwar Police Station Case No. 57 of 2018, disclosing offences
punishable under Sections 323, 341, 379, 420, 406, 504/34 of
the Indian Penal Code.

It seems from the complaint petition, which is the
basis for registration of the First Information Report, that the
petitioner had purchased a Scorpio Vehicle against loan
advanced by the Bank. Allegedly, he had sold the said vehicle
initially to the informant's brother and subsequently to the
informant, on the condition of payment of monthly installment
in the Bank at the rate of Rs. 18,700/-. It is also alleged that the



informant's brother had given to the petitioner a sum of Rs. 4,05,000/- (four lakh five thousand) against purchase of the said vehicle, in addition to the assurance of payment of the installment amount, as indicated above. The said vehicle has, however, been seized by the financier bank. With the aforesaid allegation, the First Information Report has been registered.

Learned counsel for the petitioner has submitted that no criminal offence, as mentioned in the First Information Report, can be said to be made out, on the basis of what has been alleged in First Information Report and it is basically a dispute of civil nature.

I find force in submission so advanced on behalf of the petitioner, this application is allowed.

Let the petitioner, above-named, in the event of his arrest or surrender before the Court below within six weeks, 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 Chief Judicial Magistrate, Bhojpur at Arrah in connection with Koilwar P.S. Case No. 57 of 2018, subject to the condition laid down under Section 438(2) of the Code of Criminal Procedure.

This is subject to the condition that the petitioner shall



present himself before the Police/Court, as the case may be, as
and when required and in the event of failure on his part to
appear before the Court on two consecutive occasions, his bail
bonds shall be liable to be cancelled.

(Chakradhari Sharan Singh, J)

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