

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.66581 of 2019

Arising Out of PS. Case No.-286 Year-2018 Thana- RAJPUR District- Buxar

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1. RUPESH KUMAR SINGH @ BABLU SINGH Son of Gauri Shankar Singh
Resident of Village - Rajpur, P.S.- Rajpur, Dist.- Buxar.
 2. Gauri Shankar Singh Son of Late Laluka Singh Resident of Village - Rajpur,
P.S.- Rajpur, Dist.- Buxar.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioners : Mr.Ajit Kumar, Advocate

For the Opposite Party : Mr.Tapeshwar Sharma, APP

**CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR
MISHRA**

ORAL ORDER

2 07-11-2019 Heard learned counsel for the petitioners and the
learned A.P.P. for the State.

The petitioners apprehend their arrest in connection with Rajpur P.S. Case No. 286 of 2018 registered under Sections 406 and 420/34 of the Indian Penal Code, pending in the court of learned Additional Chief Judicial Magistrate VII, Buxar.

The accusation is that the complainant/informant purchased Mahindra tractor along with trailer and other accessories from Kailash Tractor Agency and the same was financed by Bank of India and at the time of purchase, cash of Rs. 1,00,000/- was given to the agency. The said tractor was being driven by Rajesh Singh alias Atul Singh who took the



tractor at his village and thereafter the driver of the tractor was murdered somewhere in U.P. for which Rewatipur P.S. Case No. 293 of 2017 was instituted. While the tractor and trailer of the complainant/informant was being driven by Atul Singh but the same was taken possession by both the petitioners. When the complainant/informant pressed them to return the tractor and trailer then the petitioners did not take any heed and thereafter they refused to hand over the tractor.

Learned counsel appearing on behalf of the petitioners submits that in fact both the petitioners are brother and father of the deceased Atul Singh who is said to be the driver of the tractor of the complainant/informant and there was oral agreement between Atul Singh, brother and son of the petitioners to the effect that Atul Singh would pay installment and after payment of the whole amount of the loan, the tractor in question will be transferred in the name of Atul Singh. Due to that reason the present complaint has been filed against the petitioners.

Having considered the facts and the circumstances of the case and the nature of allegation against the petitioners, I am not inclined to grant anticipatory bail to the petitioners. Accordingly, the prayer of the petitioners for grant of



anticipatory bail stands rejected. However, the petitioners are directed to surrender before the trial court within four weeks from today and pray for regular bail which shall be considered by the trial court on its own merit and in accordance with law without being prejudiced by the order of this Court.

(Rajendra Kumar Mishra, J)

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