

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.67464 of 2018

Arising Out of PS. Case No.-53 Year-2017 Thana- SARE District- Nalanda

Vinay Agrawal @ Vinay Kumar Agrawal @ Vijay Kumar Agrawal Son of Bhagwat Prasad Agarwal, Manager, Maurya Motors Private Limited, N.H. 30 Patna Fathua Road, P.S.- Didarganj, District Patna near Didarganj Over Bridge, Patna 800008.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Jitendra Prasad Singh

For the Opposite Party/s : Mr.Sri Lalan Kumar

CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL ORDER

3 22-01-2019 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner is apprehending his arrest in a case registered for the offences punishable under Sections 420, 467, 468, 504, 506/34 of the Indian Penal Code.

The complainant found himself cheated after using the newly purchased truck from the agency of the petitioner. The cheat was detected when the truck was sent for servicing at the service centre.

Submission of the learned counsel for the petitioner is that in fact the truck is new one. The complainant has no justification in making payment of Rs.4,47,000/- (Rupees Four Lacs and Forty Seven Thousand) out of total consideration



money in cash.

The complainant was himself negligent in not getting the goods prima facie verified before purchase. The allegation of cheating is only because the vehicle was shown to be registered in the name of *Kamlesh Kumar*, which was in fact a wrong entry and the same has been corrected. Moreover, the complainant is pursuing his grievance before the consumer forum.

From bare perusal of the complaint petition, dishonest intention of the petitioner at the inception of the agreement is not made out in view of the dispute that the sold vehicle is new one and the disputed question is yet to be established during trial.

Hence, let the petitioner, above named, in the event of his arrest or surrender before the court below within a period of thirty days from the date of receipt of the order be released on bail on furnishing bail bond of Rs.20,000/- (Rupees Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned court below where the case is pending in connection with Sare Police Station Case No.53 of 2017, subject to conditions as laid down under Section 438(2) of the Code of Criminal Procedure as well as condition that the petitioner shall



fully co-operate with the investigation/trial of the case, failing which the court below shall be at liberty to cancel the bail bond of the petitioner.

(Birendra Kumar, J)

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