

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48709 of 2018

Arising Out of PS. Case No.-58 Year-2015 Thana- BARBIGHA District- Sheikhpura

Surya Narayan Sharma, S/o Sri Ratan Singh R/o Village Khojagachhi, P.S. Barbigha, District Sheikhpura.

... .. Petitioner/s

Versus

1. State of Bihar
2. Ramakant Singh S/o Sri Rambadan Singh R/o Village Khojagachhi, P.S. Barbigha, District Sheikhpura.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ajit Kumar

For the Opposite Party/s : Mr.Sri Prem Kumar Jha

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

5 10-04-2019 Heard learned counsels for the petitioner and the State.

The petitioner is apprehending arrest in a case registered for the offences punishable under Sections 406, 420, 395 and 411 of the IPC.

The prosecution case got initiated by filing Complaint Case No. 288C of 2014, which was subsequently registered as a police case after the same being transferred under Section 156(3) of the Cr. P.C.

The prosecution case is to the effect that the petitioner purchased a tractor from the agency of the informant, namely, Mahabir Tractor Agency, on payment of cash amount of Rs.



1,00,000/- for remaining consideration amount of Rs. 1,75,000, the petitioner issued a cheque, which got dishonoured, for which a separate case has been lodged. Subsequently, when the informant made complaint to the petitioner with regard to dishonouring of cheque, then the petitioner along with his family members abused and assaulted him. It is further alleged that when the tractor in question was taken to the agency of the informant for its servicing, the informant kept the same, but subsequently, the petitioner along with his family members came and on the pistol point, they took away the said tractor.

It is submitted by learned counsel for the petitioner that the informant has not given due documents for the tractor in question. Moreover, since the petitioner has paid Rs. 1,00,000/- to the informant and when the petitioner asked the informant for registration document, which he did not supply hence, the petitioner has also filed Complaint Case No. 494C of 2014, against the informant. On enquiry being made from the D.T.O., it was found that the tractor in question was registered in the name of the informant.

Learned counsel for the informant submits that prima facie, after finding the case true, learned Magistrate took cognizance against the petitioner under Sections 406 and 420 of the IPC.



Considering the nature of accusation arising out of contractual dispute between the parties when both sides have lodged several cases against each other, coupled with the 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/surrender before the learned Court below within a period of twelve weeks from today, on furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of like amount each to the satisfaction of learned A.C.J.M.-I, Sheikhpura in connection with Barbigha (Mission O.P.) P.S. Case No. 58 of 2015, subject to the condition as laid down under Section 438(2) of the Cr. P.C.

(Dinesh Kumar Singh, J)

Amrendra/-

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