

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.69849 of 2018**

Arising Out of PS. Case No.-1431 Year-2018 Thana- PURNIA COMPLAINT CASE District-  
Purnia

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Azad Kumar Singh, Son of Late Ganesh Prasad Singh, Resident of Mohalla-  
Vivekanand Colony, P.S.- K. Hat Sahayak District- Purnea. Permanent  
Resident of Village- Bhikhna, P.O. Bahdura, P.S. Rupauli, District- Purnea.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. Uttam Kumar, Son of Vijay Yadav, Resident of Village- Balu Ghat, P.O. Bela  
Rikabganj, P.S. K. Nagar, District- Purnea.

... .. Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr.Bijendra Kumar Singh  
For the Opposite Party/s : Mr.Sri Rajendra Nath Jha

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**CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH**  
**ORAL ORDER**

6      05-04-2019                      Heard learned counsel for the petitioner, learned APP  
  
for the State and learned counsel for the complainant-opposite  
  
party no. 2.

The petitioner is apprehending his arrest in a  
complaint case wherein process has been directed to be issued  
after cognizance being taken for the offences punishable under  
Sections 379, 384 and 420 of the Indian Penal Code.

The prosecution case as per the complaint petition is  
that the complainant is a contractor and got tender for  
construction of a road. The complainant took a loan of  
Rs.10,00,000/- from the petitioner for completion of the  
construction of road and in lieu thereof by way of security, the



petitioner took four blank cheques duly signed by the complainant. By 15.10.2016 the complainant returned loan amount along with interest to the tune of Rs. Rs.11,50,000/- to the petitioner but the petitioner did not return the said four blank cheques to the complainant. It is alleged that the complainant on telephone call of the petitioner went to bus stand, Purnea by his Scorpio vehicle to meet the petitioner where petitioner along with 8-9 unknown persons stashed the key of the Scorpio vehicle and asked the complainant to pay Rs.5,00,000/- by saying that he has earned a lot from the loan amount given by the petitioner. When the complainant made protest, the accused persons forcibly took the signature of the complainant on an affidavit and threatened to the complainant to pay Rs.6,00,000/- for return of Scorpio vehicle and blank cheque. On several occasions the complainant approached to the petitioner and asked the petitioner to return the cheques and the vehicle but the petitioner evaded to respond and lastly the petitioner got ready to return the vehicle and cheques after taking Rs.5,00,000/- and thereafter, the petitioner handed over a photocopy of a paper stipulated therein that the complainant out of free will has given the Scorpio vehicle to the petitioner against the due amount of Rs.8,00,000/-. On 06.08.2018, the complainant came to the



house of the petitioner along with the witnesses and asked the petitioner to return the Scorpio vehicle and cheques for which, he is ready to pay Rs.3,00,000/- but the petitioner did not return either the cheques or the vehicle.

It is submitted by learned counsel for the petitioner that, in fact, the complainant took Rs.205000/- from the petitioner but he returned only Rs.11,50,000/- and the balance amount of Rs.8,55,000/- has not been returned to the petitioner. Subsequently, the complainant sold his Scorpio vehicle to the petitioner but he did not transfer the vehicle in the name of the petitioner and thereafter, filed the present complaint with malicious intention. At present vehicle in question is lying in the Mahendra Agency. A statement has been made in paragraph 3 of the petition that the petitioner is not having any criminal antecedent.

Learned counsel for the complainant submits that Rs.10,00,000/- has been returned by the complainant and the petitioner neither returned the Scorpio vehicle nor the blank cheques. However, learned counsel for the complainant submits that the vehicle in question, at present, is lying in the Mahendra Agency.

It appears that on the joint prayer of the parties, the



matter was referred to the Mediation and Conciliation Centre of the Bihar State Legal Service Authority vide order dated 04.12.2018. The report of the Mediator dated 22.02.2019 at Flag 'R' reflects that the issued could not be resolved through the process of mediation.

Considering the rival submissions of the parties, it appears that the accusation has been levelled in the background of dispute with regard to loan amount and the vehicle of the complainant is now lying in the Mahendra Agency, coupled with statement made in paragraph 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 twelve weeks from today, on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Purnea in connection with C.A. Case No. 1431 of 2018, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

**(Dinesh Kumar Singh, J)**

DKS/-

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