

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.869 of 2020

Arising Out of PS. Case No.-215 Year-2019 Thana- RAMGARH District- Kaimur (Bhabua)

CHITARANJAN PRATAP SINGH @ CHITARANJAN SINGH, aged about 30 years, Gender-Male, Son of Lallu Singh, Resident of Village - Jigani, P.S.- Bhabhua, District - Kaimur, presently posted as Branch Executive, Mahindra and Mahindra Financial Services Ltd., having its Office at Mahindra Finance, near Dr. Kiran Singh Hospital, G.T. Road, P.S.- Mohania, District - Kaimur.

... .. Petitioner

Versus

1. The State of Bihar.
2. Govind Pandey, Gender-Male, Son of Sri Radha Mohan Pandey, Resident of Village - Sibhuan Kala, P.S.- Ramgarh, District – Kaimur.

... .. Opposite Parties

Appearance :

For the Petitioner	:	Mr. Sheela Sharma, Advocate.
For the State	:	Mr. Rajiv Nayan, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

4 25-08-2020 Due to COVID-19 Pandemic, the matter is being taken up by way of virtual Court proceeding.

The matter has been listed under the heading 'For Orders' under the orders of Hon'ble the Chief Justice.

Heard learned counsel for the petitioner and learned A.P.P. for the State.

The petitioner is apprehending his arrest in a case for the offence registered under Sections 379, 420, 384, 406, 386 and 120(B)/34 of the I.P.C.

The prosecution story, in brief, is that the complainant/informant purchased a Tractor bearing Registration



No. BR-45G-7525 which was financed by Mahindra & Mahindra Financial Services Ltd., having its Branch office at Mahindra Finance Company Ltd., Mohania Branch, Kaimur. On 29.05.2019, when he was not present at his home, co-accused Prince Kumar Singh, forcibly took away his Tractor from his door step. When he informed this petitioner being the Manager of Mahindra Finance Company Ltd., Mohania Branch, Kaimur, he was asked by the petitioner to complete payment of outstanding loan amount and thereafter take away his Tractor. When he took alongwith him the complete outstanding loan amount, the petitioner told him that he has not brought the Tractor alongwith him. It is further alleged that co-accused Avinash Singh regularly used to ask him telephonically to complete payment of outstanding loan amount. On 16.07.2019, when he again contacted the petitioner he was asked to bring the complete outstanding of the finance amount and when he approached the office of the petitioner, on the order of the petitioner, co-accused Prince Kumar Singh and Avinash Singh physically assaulted him and told him that if he will pay Rs. 5,00,000/- then his Tractor will be returned.

It has been submitted by learned counsel for the petitioner that the petitioner has got no criminal antecedent.



There is no allegation of tampering with the witnesses alleged against the petitioner. The petitioner has falsely been implicated in the present case. The petitioner happens to be the Branch Executive of the Finance Company which is in the name and style of Mahindra & Mahindra Financial Services Limited having its Branch office at Mohania. The complainant/informant was financed for purchase of a Tractor. There was an outstanding loan approximately of Rs. 11,00,000/- on the date of occurrence. The complainant/informant had defaulted in the payment of instalment and for the said reason, repeated reminders were sent by the Finance Company to the complainant/informant. It is further submitted that the aforesaid Finance Company neither authorised nor appointed the co-accused Prince Kumar Singh as an agent of the Finance Company for requisition of the vehicle in question. The complainant/informant in collusion with the said co-accused Prince Kumar Singh, removed the Tractor in question with an intention to cause wrongful loss to the Finance Company. Steps for recovery of the loan amount are being taken against the complainant/informant. The matter relates to civil dispute.

On behalf of the learned counsel for the State, it has been submitted that the petitioner is named in the complaint



case/F.I.R.

Considering the facts and circumstances of the case and also the lockdown, the petitioner above named, in the event of arrest or surrender before the learned court below within a period of eight weeks from today, be released on anticipatory bail on his personal bond to the satisfaction of the learned A.C.J.M., Bhabhua, Kaimur, in connection with Ramgarh P.S. Case No. 215 of 2019, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

Once the normalcy is restored, the petitioner shall furnish bail bonds of Rs. 10,000/-(Rupees Ten Thousand) with two sureties of the like amount each within a period of seven weeks to the satisfaction of the court concerned in connection with the aforesaid case.

(Sudhir Singh, J)

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