

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.6000 of 2020**

Arising Out of PS. Case No.-31 Year-2017 Thana- BARAUNI District- Begusarai

ABADH SINGH S/o Late Baleshwar Singh R/o village- Hathidah Buzurg,
P.S.- Hathidah, District- Patna

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Ashok Kumar Mishra, Advocate

For the Opposite Party/s : Mr.Ram Anurag Singh, APP

**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

5 24-11-2020 Heard learned counsel for the petitioner and Mr. Ram Anurag Singh, learned APP for the State.

The petitioner in the present case is seeking pre-arrest bail in connection with Barauni (F.C.I.) P.S. Case No. 31 of 2017 registered for the offences punishable under Sections 420, 406, 467, 468, 471, 120(B) of the Indian Penal Code.

The petitioner has been granted provisional bail vide order dated 28.02.2020. On the said date, notice was issued to O.P. No. 2, the same has been served upon him but despite waiting his appearance this Court finds that O.P. No. 2 has not entered appearance. On 19.08.2020 the matter was adjourned only with a purpose to give him a reasonable opportunity to appear and a date was fixed for today.

Learned counsel has pointed out from the copy of the



complaint petition which is the basis of the FIR that in fact the dispute between the parties is over the sale and purchase of a truck. It is the case of the informant that he had sold the truck after receiving Rs.2,45,000/- with a condition that whatever is the dues of Sriram Finance on the said truck will be paid by this petitioner but later on he came to know that the petitioner had not paid the installments to Sriram Finance. It is, thus, alleged that the petitioner had obtained the possession of the truck by cheating the informant. It is also alleged that the truck was seized by Barahiya Police Station but the same was got released by this petitioner.

Learned counsel submits that the whole allegations against the petitioner is false, concocted and baseless. In fact the truck was sold to the petitioner without disclosing that there is any outstanding of a finance company and since the parties were neighbours, the petitioner believed the informant. It is also his submission that the informant- O.P. No. 2 is not putting his appearance in this case because his whole purpose was to avoid the liabilities of the finance company by filing this case against the petitioner.

Learned APP for the State has though opposed the prayer for anticipatory bail of the petitioner but considering the



facts and circumstances of the case, the nature of transactions and there being no opposition from the informant despite notice, this Court directs that the provisional bail granted to the petitioner be confirmed on the same bail bond.

This application is, thus, allowed.

(Rajeev Ranjan Prasad, J)

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

