

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24541 of 2020

Arising Out of PS. Case No.-904 Year-2019 Thana- HAJIPUR District- Vaishali

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UTKARSH RAI @ RAKESH KUMAR, S/o Krishnanand Tiwari, Resident of
Village- Saraiya, P.S.- Sakra, Dist- Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Sanjay Parasmani

For the Opposite Party/s : Mr.Dhananjay Mishra

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CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

4 09-11-2020 Heard learned counsel for the petitioner and learned
APP for the State through virtual court proceedings.

The petitioner seeks bail in a case registered for the
offence punishable under Sections 406, 420, 379 of the Indian
Penal Code.

The prosecution case in brief is that on 28.12.2018
petitioner went at the door of the informant and petitioner asked
to the informant to provide 4-5 vehicles for Excise Department
of Bihar and he further promised to pay Rs.14,000/- rent for
each vehicle on monthly basis. Then informant and other three
persons handed over 04 vehicles to the petitioner and petitioner
also executed a deed of agreement on plaint paper and after that
petitioner took away all four vehicles of the informant and
others but on demand he did not pay the said monthly fixed



amount and he also did not return back the said four vehicles to the informant and others.

Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case. The allegation of taking away the four vehicles on hire is baseless as petitioner has not taken away even a single vehicle from the informant and so called documents have been prepared for the purpose of implicating the petitioner in this case. Real fact is that all four vehicles are with the informant, so until now no recovery have been made and there is no evidence to support that the vehicles are in possession of the petitioner. The petitioner is in jail custody since 21.03.2020 and has no criminal antecedent There is matter of civil dispute and no criminal matter is made out.

Learned APP for the State opposes the prayer for bail petition and submits that the allegation as leveled against the petitioner is serious in nature as petitioner has cheated to the informant and others and after committing breach of trust he has misappropriated the huge fixed monthly rental amount as well as four vehicles of the informant and others.

I have perused the case record, it is evident that the petitioner impersonated himself to be police officer of Excise



Department of Bihar and he placed demand before the informant to provide 4-5 vehicles for Excise Department on fixed Rs. 14,000/- monthly rental for each vehicle. After that the informant and others provided the said vehicles and petitioner also executed a deed of agreement on plaint paper and took away the said vehicles but on demand he neither paid the said monthly fixed rental amount to the owners of the vehicles nor he returned back the said vehicles to the informant and others.

Considering the aforesaid facts, I am not inclined to enlarge the petitioner on bail. Accordingly, the prayer for bail of the petitioner is rejected in connection with Hajipur Town P.S. Case No. 904 of 2019 pending in the Court of learned Chief Judicial Magistrate, Vaishali at Hajipur.

Accordingly, this application is dismissed for the present.

(Anjani Kumar Sharan, J)

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