

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26507 of 2020

Arising Out of PS. Case No.-21 Year-2020 Thana- DARIYAPUR District- Saran

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1. RAHUL KUMAR Son of Baban Singh Resident of Village - Chandpura, P.S.- Parsa, District - Saran.
 2. Shashi Ranjan Singh @ Shashi Ranjan Kumar Son of Arjun Kumar Singh Resident of Village - Salha, P.S.- Garkha, District - Saran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rajesh Kumar Singh

For the Opposite Party/s : Mr. Shailendra Kumar No. 1, APP.

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

3 04-12-2020 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 petitioners and learned APP for the State.

The petitioners are apprehending their arrest in a case registered under Sections 406, 420 and 467 of the Indian Penal Code.

The prosecution case, in short, is that the informant got purchased a tractor on a loan and in due course repaid his loan but his account was not settled and the accused persons



took his tractor to the agency and when the informant came with the balance amount, the accused persons took the same but did not return the owner book and four cheques.

It has been submitted on behalf of the petitioner that the petitioner has got no criminal antecedent. There is no allegation of tampering of witnesses alleged against the petitioner. The petitioner has falsely been implicated in the present case. The informant had taken a tractor on loan by a finance company known as Magma Finance. The petitioner no. 1 is salesman of agency and the petitioner no. 2 is the owner of agency. The tractor was purchased from the agency of petitioner no. 2. There was an agreement between the parties in respect of the payment of the loan. The informant defaulted in the loan and subsequently his tractor was re-possessioned by the finance company. The petitioner had no role to play in the present case. The matter relates to hire and purchase of the vehicle in question. The petitioner further relied on a case since reported in ***AIR 1979 Sc 850 (Sardar Triloki Singh versus Satyadeo Tripathi)***.

On behalf of the State, it is submitted that the petitioners are named in the F.I.R./complaint case.

Considering the aforesaid facts and circumstances,



let the petitioners, above named, in the event of arrest/surrender before the learned court below within a period of twelve weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs.10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Saran at Chapra in connection with Dariyapur P.S. Case No. 21 of 2020, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Sudhir Singh, J)

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