

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.6703 of 2020

Arising Out of PS. Case No.-236 Year-2018 Thana- PAKRIDAYAL District- East Champaran

Tunna Prasad @ Tuna Kumar, aged about 47 years, Male, Son of Raghuvir Prasad, Resident of Village and P.S. - Pakaridayal, District- East Champaran

... .. Petitioner/s

Versus

The State of Bihar & Anr.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Karandeep Kumar, Advocate

For the Opposite Party/s : Mr. Ganesh Prasad Singh, APP

CORAM: HONOURABLE MR. JUSTICE S. KUMAR

ORAL ORDER

8 21-10-2021 Heard learned counsel for the petitioner and learned counsel for the State.

Petitioner apprehends his arrest in a case registered for the offence punishable under Section 406 and 420 of the Indian Penal Code.

Informant has alleged in his written complaint that he had purchased a tractor from Om Shri Sai Auto Mobiles, Pakaridayal on 15.01.2018 and thereafter it was registered in the name of purchaser / informant, however, it is further alleged that on 16.11.2018, owner of the said agency, namely, Tunna Kumar (petitioner) asked the informant to bring his tractor at his agency for its servicing and thereafter, he went there with his tractor and left it in the show room for servicing, however, same was not returned to him and when the informant asked for his tractor,

petitioner said that the tractor has been sent to Muzaffarpur and as soon as, the tractor will return, it shall be handed over to informant. Thereafter, the informant used to go to the agency daily to take back his tractor, but the petitioner avoided and informant apprehends that after committing cheating, petitioner has sold his tractor to another person.

It has been submitted on behalf of learned counsel for the petitioner that he is owner of the show room and is dealer of tractor and said tractor was financed by financing company and part payment was made by the financing company and when petitioner demanded his remaining dues of Rs. 3 lacs, informant has instituted this false case with concocted and fabricated story and with ulterior motive of not paying the dues amount.

It is further submitted that from contents of FIR, dispute appears to be with respect to payment of price of sold tractor and no criminal offence is made out.

Notices were issued to O.P. No.2, but even after valid service of notice, he has chosen not to appear before this Court.

Considering the aforesaid facts and circumstances of the case, let the petitioner named above be released on anticipatory bail, in the event of his arrest or surrender before the court below within a period of four weeks from today, on

furnishing bail bond of Rs. 20,000/- with two sureties of the like amount each to the satisfaction of learned court below where the case is pending in connection with Pakaridayal P.S. Case No.236 of 2018, G.R. Case No.8961 of 2018 subject to the condition as laid down under Section 438(2) of the Cr.P.C.

(S. Kumar, J)

Sanjay/-

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