

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.5969 of 2020

Arising Out of PS. Case No.-76 Year-2019 Thana- MADHEPURA COMPALINT CASE
District- Madhepura

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1. Bidyanand Pandit Son of Kokai Pandit @ Kokan Pandit Resident of Village - Lalpur, P.S.- Singheshwar, Distt - Madhepura.
 2. Gudar Pandit Son of Kokai Pandit @ Kokan Pandit Resident of Village - Kumhar Toli Gouripur, P.S.- Singheshwar, Distt - Madhepura.
 3. Tejo Pandit Son of Bahadur Pandit Resident of Village - Singheshwar, Ward No. 09, P.S.- Singheshwar, Distt - Madhepura.

... .. Petitioners

Versus

- 1.The State of Bihar
- 2.Dilip Kumar Khandewal, Son of Late Harakhachnd Khandewal, Resident of Village + P.S. -Singheswar, District-Madhepura

....Opposite Parties

Appearance :

For the Petitioner/s : Mr.Naresh Kumar Mehta,Advocate
For the Opposite Party/s : Mr.Akhileshwar Dayal,APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

6 18-01-2021 Heard learned counsel for the petitioners and learned APP
for the State.

The petitioners in the present case are seeking pre-arrest bail in connection with Complaint Case No. 76 of 2019 registered for the offences punishable under Sections 420, 467, 468, 120(B) and 504 of the Indian Penal Code.

Learned counsel for the petitioners submits that as per the complaint petition the complainant has sold his vehicle to co-accused Santosh Kumar for consideration amount of Rs.1,35,000/- and had transferred the tractor with trailer in his name. He has alleged that he had handed over all the relevant documents of the tractor and trailer to him but the purchaser deliberately did not get the registration number of the tractor and trailer changed in his name. It is submitted that the said



tractor met with an accident in which one person died for which a police case has been lodged and the said tractor and trailer have been seized by the police.

It is alleged that the said purchaser of the tractor in collusion with other persons including the petitioners had filed a complaint case in the learned court below for release of the tractor and trailer in the name of the complainant and ultimately tractor with trailer was ordered to be released in favour of complainant, by putting forged signature of the complainant on the indemnity bond by concealing the identity.

Learned counsel for the petitioners submits that they have been falsely implicated in the case and so far as these petitioners are concerned, they had nothing to do with the alleged tractor and trailer and not a single inquiry witness has stated anything against these petitioners.

This Court had earlier ordered to issue notice to the complainant-O.P. No. 2. It appears that the notice has been received by munshi of O.P. No. 2 vide service report kept at Flag 'A' and the registered process has also been received on the given address.

Learned APP for the State has opposed the prayer for pre-arrest bail of the petitioners, however, on going through the complaint petition itself it appears that so far as these petitioners are concerned, they are not the purchaser of the tractor in question and the release of the said tractor and trailer were not given in favour of these petitioners. In such circumstance, let in case of their arrest or surrender the petitioners above named within a period of four weeks from today in



connection with Complaint Case No. 76 of 2019 of 2019 be released on bail on furnishing of bail bonds of Rs. 25,000/- (twenty five thousand) each with two sureties of the like amount each to the satisfaction of Sri Pramod Kumar, Judicial Magistrate, 1st Class, Madhepura, subject to the condition as laid down under Section 438(2) of the Cr.P.C. i.e.

(i) a condition that the person shall make himself available for interrogation by a police officer as and when required;

(ii) a condition that the person shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer;

(iii) a condition that the person shall not leave India without the previous permission of the Court.

And further condition that the court below shall verify the criminal antecedents of the petitioners and in case at any stage it is found that the petitioners have concealed their criminal antecedent, the court below shall take step for cancellation of bail bonds of the petitioners. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

The application is 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'.

