

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20433 of 2021

Arising Out of PS. Case No.-280 Year-2019 Thana- AURANGABAD TOWN District-
Aurangabad

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Avinash Singh @ Mohan Singh Son Of Bhushan Singh R/O Mohalla- New
Area, P.S.- Town, District- Aurangabad.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Ms.Priyanka Singh
For the Informant	:	Mr. Sanjay Kumar
For the Opposite Party/s	:	Mr.Md.Iftekhar Mahmood, APP

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3 02-09-2021 This matter is taken up for consideration through
Video Conferencing.

Heard both parties.

The petitioner seeks bail in Aurangabad Town P.S.
Case No. 280 of 2019, registered for the offence punishable
under Sections 406, 420 and other allied sections of the Indian
Penal Code.

As per the prosecution case, informant had given his
vehicle Fortuner (BR26C-0001) to his friend Ravi Kumar. Ravi
Kumar went inside the jail in connection with some money
dispute. Informant enquired about his vehicle then he came to
know that Ravi Kumar had given his vehicle to Avinash Kumar



@ Mohan Singh (petitioner) who came out of jail after six years. Informant rang up Mohan Singh, then he abused the informant and stated that he had taken the vehicle from Ravi Kumar and got the vehicle transferred and he would not return the vehicle. Informant went along with police to the house of petitioner, there he came to know that petitioner was absconding. It is further alleged that informant was having original documents of vehicle and had not signed any document for transfer.

It is submitted on behalf of the petitioner that petitioner is bona fide purchaser without knowledge about defect in the title of papers after paying 11 lakh consideration money he got the vehicle transferred in his name. Petitioner misled by possession of vehicle with Ravi Kumar who got the papers transferred in the name of petitioner and handed over the same to him. Subsequently a proceeding was drawn by DTO where after FSL examination, it has come that papers submitted by the petitioner were found not having genuine signature of Kumar Gaurav. Petitioner is in custody since 05.10.2020. Chargesheet has already been submitted.

Counsel for the informant vehemently opposed the bail application and submitted that this petitioner in collusion



with Ravi Kumar have fraudulently got the vehicle in question transferred on the basis of forged and fabricated papers which were subsequently found to be untrue by the DTO inspite of that petitioner has not handed over vehicle to him. Petitioner has criminal antecedent and is accused in six cases. Informant and his family members have also got threat for which he has filed a petition before the concerned PS (annexure-2).

Considering the facts and circumstances of the case and the fact that petitioner is bona fide purchaser and investigation is complete, the petitioner above-named, is directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Aurangabad in connection with Aurangabad Town P.S. Case No. 280 of 2019, subject to following conditions:-

(i) The petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the Court and in the event of failure on two consecutive dates without sufficient reasons, his bail bond shall be liable to be cancelled by the court below.

(ii) If the petitioner tampers with the evidence or the



witnesses of the case, in that case, prosecution will be at liberty
to move for cancellation of bail of the petitioner.

(Prabhat Kumar Singh, J)

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