

**IN THE HIGH COURT OF JUDICATURE AT PATNA  
CRIMINAL MISCELLANEOUS No 26947 of 2020**

Arising Out of PS. Case No.-164 Year-2019 Thana- BUXAR COMPLAINT CASE District-  
Buxar

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VINOD PANDEY @ VINOD KUMAR PANDEY Son of Anjor Pandey  
Resident of Mohalla - Chanakyapuri Colony, P.O. and P.S.- Dumraon, District  
- Buxar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr Nil Kamal  
Ms Kumari Priyanka, Advocates  
For the Opposite Party/s : Mr Anant Kumar, APP

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**CORAM: HONOURABLE MR JUSTICE MADHURESH PRASAD**

**ORAL ORDER**

**3      19-01-2021**                      Heard learned counsel for the petitioner and the  
learned APP for the State.

Petitioner apprehends arrest in connection with  
Complaint Case No 164C of 2019 instituted for the offence  
punishable under Sections 420, 468, 406 of Indian Penal Code.

The complainant has alleged that he purchased the  
tractor from the petitioner's agency on cash. It is his case that  
his wife had given an application for purchase of tractor on loan  
but the transaction was not completed and no loan was taken.  
Only when he received a notice dated 18.01.2019 from the  
Punjab National Bank (for brevity, *PNB*), he realized that the  
loan amount has been sanctioned for the tractor which was



purchased by the petitioner on cash.

Petitioner's counsel submits that the prosecution is only to avoid the incidence of loan. The tractor was purchased in the year, 2016. The certificate of registration for the same issued in the name of the complainant on 28.05.2016 clearly indicates that it was under loan from the PNB. The petitioner cannot be permitted to file a complaint more than three years after purchasing tractor on loan denying the factum of loan. Copy of the certificate of registration has been filed through Electronic Mode and print-out of the same is being kept on record.

The learned APP for the State has opposed the prayer for anticipatory bail.

In the facts and circumstances of the case, prayer of petitioner for grant of anticipatory bail is allowed. In the event of surrender/arrest of the petitioner, named above, before the Court below, within four (04) weeks from today, he shall be released on bail on his furnishing bonds of Rs 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of Judicial Magistrate, 01<sup>st</sup> Class, Buxar in Complaint Case No 164C of 2019 subject to the conditions as laid down under Section 438 (2) of Criminal Procedure Code



and also the following conditions:-

(i) That one of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailor will also undertake to inform the Court if there is any change in the address of the petitioner.

(ii) That the petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his bail bond will be liable to be cancelled.

Learned counsel for the petitioner is expected to honour his undertaking given in the instant proceedings today for depositing requisite Court fee and removing the defect (s), as pointed out, when called upon to do so.

**(Madhuresh Prasad, J)**

**M.E.H./-**

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