

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.74153 of 2019

Arising Out of PS. Case No.-311 Year-2019 Thana- AURANGABAD COMPLAINT CASE
District- Aurangabad

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1. Manish Kumar Singh Son of Nawal Kishore Singh Resident of Village-Rajputana, P.S.-Goh, District-Aurangabad.
 2. Dheeraj Kumar Son of Radha Mohan Singh Resident of Shri Krishna Nagar Ahri, Behind of Ice Factory, P.S.-Aurangabad Town Thana, District-Aurangabad-824101.
 3. Rudra Pratap @ Rudra Pratap Dubey Son of Onkar Nath Dubey Resident of Bhawanipur, Tiwaripur, P.S.-Karanda, District-Gagipur (U.P.).
 4. Kunal Srivastawa @ Kunal Kishor Son of Anirudh Prasad Srivastawa Resident of village-Khirapatti, Rauja Road, P.S.-Chapra, District-Saran.
 5. Anuj Singh @ Anuj Pratap Singh Son of Madan Singh Resident at 1F, Shivpuram, Via-Bijay Nagar, Rukanpura, B.V. College, P.S.-Rukanpura, District-Patna-800014.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. Arvind Kumar Son of Haricharan Pal Resident of Village-Sankarpur, P.S.-Obra, District-Aurangabad.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ranjit Kumar
For the Opposite Party/s : Mr. Mohammad Sufyan

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

5 20-12-2021 Heard learned counsel for the petitioners,

complainant and learned APP for the State.

Learned counsel for the petitioners is expected

to honour his undertaking given in the instant case for

depositing the requisite court fee and to remove the

defects as pointed out by the office when called upon to



do so by the office.

The petitioners are apprehending their arrest in a complaint case wherein cognizance has been taken under Sections 323, 406, 420, 504, 120(B) of the Indian Penal Code.

It is alleged that complainant took a loan of Rs. 4,20,000/- from the petitioners' company namely Cholamandalam Finance & Investment Company and a monthly EMI has been fixed as Rs. 13,720/- for 42 months. It is further alleged that without giving any notice, the vehicle of the complainant was attached on 24.01.2019. The complainant thereafter contacted petitioner No. 1 who assured him to return the vehicle on payment of Rs. 41,160/- till 28.02.2019. The complainant paid the aforesaid amount on 25.02.2019 but thereafter he has been informed that his vehicle has been sold out.

It is submitted by learned counsel for the petitioners that as per agreement the complainant was



to pay the EMI regularly. The complainant defaulted the payment of installment consecutively for three months and accordingly a notice for pre-seizure was issued to the complainant on 23.05.2018 and a demand of Rs. 39,790/- was raised. However, on failure to pay the demand vide notice dated 23.05.2018, the vehicle in question was seized by the management and the same was auctioned sold in open bid. The petitioner No. 1 is the Branch Manager of the company in question whereas other petitioners are office clerks and they have acted in terms of the agreement entered into between the company and the complainant. Moreover, for a civil nature of dispute, the petitioners cannot be prosecuted in a criminal proceeding.

In the facts and circumstance of the case, let the petitioners, above named, in the event of their arrest or surrender before the Court below within a period of four weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 10,000/-(Ten Thousands)



each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Aurangabad in connection with Complaint Case No. 311 of 2019, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Sunil Kumar Panwar, J)

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