

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.15565 of 2022

Arising Out of PS. Case No.-177 Year-2021 Thana- PIYAR District- Muzaffarpur

KAMLESH PRASAD THAKUR SON OF LATE RAM BAHADUR
THAKUR RESIDENT OF MOHALLA - RAMPURDAYAL, P.S. PIAR,
DISTRICT- MUZAFFARPUR

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Mani Bhushan Kumar, Advocate

For the Opposite Party/s : Mr. A.P.P.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 20-09-2022 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

Let the defect(s), if any, be removed within a period of
four weeks.

The petitioner apprehends his arrest in a case registered
for the offences punishable under Sections 341, 323, 504, 506,
406, 420 and 379/34 of the Indian Penal Code.

Learned counsel for the petitioner submits that
petitioner is a person with clean antecedent.

The informant alleges that he had purchased a tractor
through finance company with down payment of Rs.80,000/- and
the installment was fixed at Rs.15,350/- for 58 months. Further,
Rs.24,000/- was outstanding to the company on account of which
the company did not handover the documents of the tractor to the
informant. It is further alleged that on 19.06.2021 due to poor



financial condition the informant sold the tractor to the petitioner for a consideration amount of Rs.41,501/- and the petitioner accepted to make the payment of the rest amount of the installment to the company thereafter it is alleged that petitioner did not make payment of installment and, hence, the informant received legal notice by the finance company. Accordingly, the informant on 15.10.2021 reached the house of the petitioner where four named accused persons including the petitioner abused and assaulted him with lathi and threatened to kill him. It is further alleged that petitioner snatched gold chain worth Rs.30,000/- from the informant.

Learned counsel for the petitioner submits that petitioner has been falsely implicated in the present case and is ready and willing to make the payment of the outstanding loan amount which is still due to the company but the petitioner will pay the said amount directly to the company. Learned counsel thus assures the Court that the payment due to the company will be paid by the petitioner and thereafter the company should release the documents of the vehicle in question in favour of the petitioner. He further submits that as far as allegation of snatching, assault and abuse is alleged, the same is ornamental in nature.

Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioner.



Considering the submissions made by the learned counsel for the petitioner, the petitioner above-named, in the event of his arrest or surrender before the learned Court below within a period of nine months from today, be released on provisional anticipatory bail on furnishing bail bonds of Rs.5,000/- (Rupees Five Thousand) with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/successor court in connection with Piar P.S. Case No. 177 of 2021, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

In the event if the petitioner is not able to produce receipt before the learned trial court showing payment of the rest amount of the tractor as agreed by him before this Court, the learned trial court shall be at liberty to cancel the bail bond of the petitioner after recording reasons.

(Satyavrat Verma, J)

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