

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45631 of 2021**

Arising Out of PS. Case No.-1470 Year-2018 Thana- GAYA COMPLAINT CASE District-
Gaya

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Sanjay Kumar @ Sanjay Sharma, Son Of Sri Haridwar Singh Resident Of
Village - Silonja, Post And P.S.- Belaganj, District - Gaya.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Jitendra Kumar, Son of Sri Jageshwar Pal Resident of Village - Gareria Tola,
P.O.- Manjhauli, P.S. - Salimpur, District - Gaya.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s :	Mr. Manish Kumar No2
For the Opposite Party/s :	Mr. Dashrath Mehta
	Mr. Raj Dular Sah

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

6 05-09-2022 Heard learned counsel for the petitioner, learned
counsel for the informant and learned APP for the State.

The petitioner seeks bail in anticipation of his arrest in
a case registered for the offences punishable under Sections 420,
423, 418, 417, 406, 409, 403, 468 and 469 of the Indian Penal
Code, but cognizance has been taken only under Section 406 of
the I.P.C.

The learned counsel for the informant at the outset
submits that no doubt, the complainant had purchased a truck
from the petitioner, which was financed by the Tata Motors
Finance Solution Limited, but the informant through the
petitioner got the entire dues of the vehicle cleared, but still



‘NOC’ was not being issued, as such, when the informant tried to find out, he came to know that petitioner without informing the informant, got a loan sanctioned again on the said vehicle, as such, ‘NOC’ is not being issued by the company in favour of the petitioner, so that the same can be handed over to the complainant.

The learned counsel for the informant submits that specific allegation in the complaint with respect to the said fact has been alleged in Para-11 of the complaint petition.

After hearing the submission made by the learned counsel for the informant as aforesaid on 31.08.2022, the learned counsel for the petitioner had submitted that perhaps the said allegation in the complaint escaped his attention and thus, was not able to seek instruction on the same and thus, had prayed for time.

Today, when the matter is taken up, Mr. Aryan Raj, the learned counsel for the petitioner again seeks an adjournment for a week on the ground that till date, he has not been able to take proper instruction from the petitioner.

The learned counsel for the informant rebuts the submission of the learned counsel for the petitioner and submits that when specific allegation was alleged in the complaint



petition and the learned counsel on the earlier occasion had submitted that it had escaped his attention for which, time was sought and time was granted, but still even after five days, no instruction has been sought on the issue that clearly demonstrates that petitioner does not have any defence.

The learned counsel for the informant further submits that the allegations were clear in the complaint and the learned counsel for the petitioner ought to have taken instruction on the same while drafting the anticipatory bail application and now, in order to evade arrest, the petitioner has filed this anticipatory bail application and is trying to delay by seeking instruction.

Considering the submission made by the learned counsel for the informant, the Court is not inclined to extend the privilege of anticipatory bail to the petitioner.

Accordingly, his prayer for anticipatory bail stands rejected.

(Satyavrat Verma, J)

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