

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42287 of 2022

Arising Out of PS. Case No.-74 Year-2014 Thana- WEST CHAMPARAN COMPLAINT
District- West Champaran

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SURESH CHAUDHARY Son of Harihar Chaudhary Resident of village -
Motihari Tar, P.S.- Bairiya, District - West Champaran.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Dinesh Singh Son of Rajdeo Singh Resident of village - Dihi, P.S.- Dhanha,
District - West Champaran.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Sunil Kumar Pandey
For the Opposite Party/s : Mr.Satyendra Prasad

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CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 28-11-2022 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

Learned counsel for the petitioner undertakes to remove
the defects within three weeks. In the eventuality of non-removal of
defects within undertaken period, the office will place the matter
before the Bench.

The petitioner is apprehending his arrest in a case
registered for the offence punishable under Section 406 of the Indian
Penal Code.

Allegation against the petitioner is that he has sold the
truck to the complainant in Rs. 11,00,000/- but at the time of the
purchase he had only got Rs. 3,25,000/- and rest amount would be
paid after six months but complainant could not succeed to pay the
rest amount within the period. Therefore, they entered into a
compromise and both the parties came to the conclusion that



complainant will return the aforesaid truck to the petitioner and petitioner will pay Rs. 1,77,000/- in four installments and for that an agreement was made on 04.10.2013 but petitioner has not returned the said amount to the complainant.

Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. He submits that it is clear that petitioner had returned the money to the complainant for which an agreement was made on 28.01.2014 on which witnesses and complainant made signature on it. He further submits that petitioner has no criminal antecedent as stated in para-3 of this application.

Learned APP for the State opposes the prayer for bail and submits that on the perusal of the impugned order Sections 82 and 83 of the Cr.P.C. has been issued against the petitioner.

Considering the facts and circumstances of the case, I am not inclined to enlarge the petitioner on anticipatory bail in connection with Complaint Case No. 74c,2014, TR. No.289/2021. Accordingly, his prayer for anticipatory bail is hereby rejected.

(Anjani Kumar Sharan, J)

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