

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 5963 of 2022

Arising Out of PS. Case No.-153 Year-2021 Thana- DUMARIAGHAT District- East
Champaran

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ROJ MOHAMMAD MIAN Son of Jaharuddin Mian Resident of Village-
Pakari, P.S. Muffasil, Motihari, District - East Champaran.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner/s : Mr.Abhishek Kumar
For the Opposite Party/s : Mr.Dinesh Singh

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CORAM: HONOURABLE MR. JUSTICE NAWNEET KUMAR PANDEY
ORAL ORDER

5 03-01-2023 Learned counsel for the petitioner is directed to

remove all the defects pointed out by the Stamp Reporter within

one month.

Heard learned counsel for the petitioner as well as
learned counsel for the informant.

The petitioner apprehends his arrest in connection
with Dumariyaghat P.S. Case No. 153 of 2021, registered for the
offences punishable under Sections 379, 406, 420, 504, 506 of
the Indian Penal Code.

As per allegation, the informant has given her truck
on lease to the petitioner. As per terms and conditions of the
lease deed the petitioner has to pay Rs. 80,000/- per month. The
petitioner has advanced Rs. 1,15,000/- but thereafter he never



paid the installments. The informant came to know that the petitioner stealthily sold out that truck and grabbed the amount.

The learned counsel for the petitioner has submitted that the entire allegation is false. The petitioner had never taken the truck of the informant nor he executed any agreement in respect thereof. He has submitted further that the informant herself had taken a loan from the petitioner.

On the other hand, the learned counsel for the informant has submitted that the lease deed is on the record and as a matter of fact the petitioner has signed that deed. He took the truck of the informant on rent of Rs. 80,000/- per month but he stealthily sold that truck to someone else.

The fact in issue in this case is whether a lease of deed has been executed between the parties or not. The matter is still under investigation.

Considering the above-mentioned facts and circumstances, let the petitioner, in the event of his arrest or surrender within four weeks from the date of communication of this order before the learned court below, **be released on bail** on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, East Champaran at Motihari in



connection with Dumariyaghat P.S. Case No. 153 of 2021 **only till submission of the investigation report**, subject to the conditions as laid down under Section 438(2) Cr.P.C.

The petitioner shall cooperate with the investigation authority. If it is found that he is not cooperating with the investigating authority, the court below shall be at liberty to cancel his bail bond.

Office shall ensure that all defects are removed by the petitioner within the stipulated time provided in para-1 hereinabove, failing which the matter shall be brought to the notice of this Court.

(Nawneet Kumar Pandey, J)

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