

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.14180 of 2023**

Arising Out of PS. Case No.-217 Year-2022 Thana- BIBHUTIPUR District- Samastipur

Krishna Kumar Prasad, Son of Ram Nandan Roy, R/O Village- Bishanpur  
Malahtoli, P.S.- Samastipur (Muffasil), District- Samastipur

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

**Appearance :**

For the Petitioner/s : Mr. Jitendra Kumar, Advocate

For the Opposite Party/s : Mr. Akhileshwar Dayal, APP

**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD**  
**ORAL ORDER**

2      18-05-2023                      Heard learned counsel for the petitioner and learned  
APP for the State.

Petitioner in the present case has moved this Court seeking pre-arrest bail in connection with Bibhutipur P.S. Case No. 217 of 2022 registered for the offences under Sections 406, 420 of the Indian Penal Code. He has one criminal antecedent.

As per the prosecution story, petitioner had sold the truck bearing Registration No. BR33E-8728 on consideration amount of Rs.10,90,000/- in favour of the informant and informant started to pay the EMI of the truck. When the truck was parked at petrol pump, the petitioner took away the truck without knowledge of the informant and neither returned the truck to the informant nor made any payment of consideration money which was given to the petitioner by the informant.

Learned counsel for the petitioner submits that



admittedly, the petitioner had sold the truck to the informant but the informant did not get the truck transferred in his name which was creating a lot of problem to the petitioner as the truck stood registered in his name for all legal purposes.

At this stage, learned counsel submits that the petitioner is ready to return the truck to the informant and if necessary, he will execute the sale letter and other required forms for transfer of truck in the informant.

Learned APP for the State has though opposed prayer for anticipatory bail of the petitioner but considering the nature of the allegations and the readiness of the petitioner to return the truck to the informant, this Court directs that in the event of his arrest or surrender within four weeks from today, the petitioner above-named shall be released on **provisional bail for a period of three months from today** on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) in connection with Bibhutipur P.S. Case No. 217 of 2022 with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Samastipur, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage



it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

During this period, the petitioner shall take steps to return the truck to the informant with necessary documentations whereupon the informant shall receive the same and confirm it to the learned court below and thereafter the provisional bail of the petitioner shall be confirmed. In case, the informant does not co-operate, in such circumstance, it will be open for the learned court below to confirm the bail bond of the petitioner.

This application stands disposed of accordingly.

**(Rajeev Ranjan Prasad, J)**

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