

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13132 of 2022

Arising Out of PS. Case No.-218 Year-2018 Thana- SHRIKRISHNAPURI District- Patna

FIROZ AHMAD SIDDIUE S/O ALAUDDIN SIDDIUE R/o village-
Bargwan, P.S.- Sahebganj, P.O.- Karnaul, Distt.- Chandauli (U.P.).

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner	:	Mr. Pushpendra Priyedarshi, Advocate
For the State	:	Mr. APP
For the Informant	:	Mr. Rajeev Kumar Singh, Advocate

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

8 29-03-2023 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner apprehends his arrest in connection with
S.K. Puri P.S. Case No.218 of 2018, registered for the offence
punishable under Section 379 of the Indian Penal Code.

As per FIR, the informant agreed to sale his Bolero
vehicle bearing Registration No. BR-01PA-4829 to the petitioner
for a consideration amount of Rs.5,95,000/-. It is alleged that the
petitioner had taken away the said vehicle on 01.07.2018, but he
did not return. When the informant made a call to the petitioner on
his mobile phone, the petitioner replied that he is going to his
village to bring the money, but he did not return till the next day.
On next day, the informant again made a call to the petitioner, but



he again took time on the ground of death of a family member. It is also alleged that on 24.07.2018, the petitioner sent a photocopy of sale letter on non-judicial stamp of Rs.100/- to the Whatsapp number of the informant and thereafter mobile phone of the petitioner was switched off.

Learned counsel for the petitioner submits that petitioner is innocent and has falsely been implicated in the present case. It is submitted that the petitioner has got no criminal antecedent as stated in paragraph-3 of the bail petition. It is further submitted that the entire allegations are false and concocted as the informant filed above false case to save himself from the fraud committed by him by taking amount of Rs.4,00,000/- on 25.10.2017 from the petitioner to get appointed son of the petitioner in police department. It is submitted that the informant himself gave offer to the petitioner to purchase the said vehicle in order to adjust Rs.4,00,000/-. It is further submitted that the petitioner called several times on mobile phone of the informant and also on mobile phone of the Assistant Sub-Inspector of S.K. Puri Police Station (Annexure-1 to the supplementary affidavit). It is submitted that on the direction of the informant, a sale letter was prepared in connection with the aforesaid vehicle by the petitioner and after signing the sale letter, it was sent to the informant on his Whatsapp number, but the informant did not sign it and lodged the



instant false case against the petitioner.

Learned APP for the State as well as learned counsel appearing on behalf of the informant opposed the prayer for grant of anticipatory bail to the petitioner by submitting that the petitioner had also lodged a case against the informant, but the police after investigation filed final form against the informant finding the case false against him. It is further submitted that the said vehicle has been recovered by the police from the house of the petitioner, which is clear from the seizure list annexed with the case diary.

Taking into consideration the facts aforesaid, I am not inclined to enlarge the petitioner on anticipatory bail. Accordingly, the prayer for grant of anticipatory bail to the petitioner is hereby rejected.

However, if petitioner surrenders before the learned court below within a period of six weeks from today and prays for regular bail, the learned court below shall consider the prayer for regular bail of the petitioner preferably on the same day without being prejudiced by this order of rejection.

(Anjani Kumar Sharan, J)

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