

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20077 of 2023

Arising Out of PS. Case No.-127 Year-2022 Thana- ROHTAS COMPLAINT CASE District-
Rohtas

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1. DAYA SHANKAR SHARMA S/O RAMESHWAR SHARMA Resident of Village- Lerua, P.O.- Kanchanpur, P.S.- Sasaram (M), District- Rohtas.
 2. UDAY SHANKAR SHARMA S/O RAMESHWAR SHARMA Resident of Village- Lerua, P.O.- Kanchanpur, P.S.- Sasaram (M), District- Rohtas.

... .. Petitioner/s

Versus

1. The State of Bihar
2. MURALI PRASAD LATE SHALIK RAM VILLAGE LERUA
3. MURALI PRASAD S/O LATE SHALIK RAM Resident of Village- Lerua, P.O.- Kanchanpur, P.S.- Sasaram (M), District- Rohtas.

... .. Opposite Party/s

Appearance :

For the Petitioner/s :	Mr.Shankar Kumar, Adv.
For the Opposite Party/s :	Mr.Nand Kishore Prasad, APP
	Mr.Ashwani Kumar Tiwary, Adv.

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

4 20-07-2023 Heard learned counsel for the petitioners, learned
counsel for the O.P. No.2 and learned APP for the State.

2. The petitioners apprehend their arrest in a case registered for the offence punishable u/s 323, 406, 504/34 IPC.

3. As per the prosecution case, the complainant has purchased a tractor and trailer on the bank loan of Rs. 5 Lacs. When the accused persons got knowledge about it, then they took complainant in their grip after giving allurements that they would pay the bank installment and complainant would get 10% profit earned from the said tractor. It is alleged that till 1-2



years, the petitioner no.1 paid the bank installment but when the bank started demanding the loan amount from the complainant, then he talked to the accused persons, who refused to pay the installment. On 05.03.2021, complainant deposited the entire loan amount and obtained no dues from the Bank. It is further alleged that the accused persons taken possession of the tractor and refused to pay the due amount and they abused and assaulted the complainant.

4. It is submitted by learned counsel for the petitioners that petitioners are quite innocent and have committed no offence. They have been falsely implicated in this case due to ulterior motive. No such occurrence, in the manner as alleged, has ever taken place. The real fact is that the tractor and trailer was purchased by the complainant on bank loan which was registered in the name of complainant. Thereafter complainant desired to earn profit from the said tractor and offered to get possession and control of the said tractor in favour of accused persons for which accused persons have paid Rs.15,00,000/- to the complainant with condition to get No Dues certificate from the bank and transferred the registration of tractor in the name of accused persons. It is submitted that the petitioners have paid all the loan amount and No dues certificate was issued in favour



of the complainant but the complainant has not transferred the said tractor in the name of the petitioners. An agreement between the parties was also made, which has come in the impugned order. Petitioners have no criminal antecedent.

5. Learned APP for the State as well as learned counsel for the O.P. No.2 opposed the prayer for bail.

6. Having regard to the facts and circumstances of the case, considering that there is money transaction dispute/business transaction dispute between the parties, let the above named petitioners, be released on bail, in the event of their arrest or surrender before the learned Court below within a period of six weeks from today, on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) each with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/Successor Court in connection with Complaint P.S. Case No.127/2022, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Anjani Kumar Sharan, J)

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