

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21629 of 2023

Arising Out of PS. Case No.-975 Year-2019 Thana- KHAGARIA COMPALINT CASE
District- Khagaria

-
1. WAKIL MANDAL S/O JAMUNA MANDAL R/O village- Kanhaiyachak, P.S- Parbatta, Distt.- Khagaria.
 2. Mahanand Kumar S/O Wakil Mandal R/O village- Kanhaiyachak, P.S- Parbatta, Distt.- Khagaria.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Mrityunjay Kumar, Adv.

For the Opposite Party/s : Mr. Surendra Prasad Singh, A.P.P.

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH

ORAL ORDER

2 24-06-2023 Heard Mr. Mrityunjay Kumar, learned counsel appearing on behalf of the petitioners and Mr. Surendra Prasad Singh, learned A.P.P. for the State.

2. The petitioners apprehend their arrest in connection with Complaint Case No. 975C of 2019, dated 4.11.2019, registered under Sections 420 and 406 of the Indian Penal Code. The complaint was filed against the petitioners by the owner of the truck bearing registration no. BR34G-1572.

3. The prosecution case, in brief, is that the complainant had entered into sale agreement of truck with the



petitioners for Rs. 2,50,000/-. As per terms of the agreement, petitioners were found to make payment of Rs.2,50,000/- in 15 installments.

4. Learned counsel appearing on behalf of the petitioners submit that the petitioners have paid Rs.2,30,000/- in installments to the complainant and non-payment of Rs.20,000/-, they have been made accused in the present case. Learned counsel has referred to the sale agreement between the parties, in which he pointed out that as per terms and conditions Rs. 20,000/- was required to be paid at the time of transfer of the registration of the truck in question at the District Transport Office by filling up statutory forms as required under the provision of Motor Vehicle Act.

5. Learned A.P.P. for the State has vehemently opposed the prayer for grant of pre-arrest bail to the petitioners on the ground that allegation under Section 420 and 406 is made out against the petitioners and they do not deserve to be released on pre-arrest bail.

6. Considering the nature of allegation made against the petitioners in the complaint, it appears that the petitioners have not deposited Rs. 20,000/- to the complainant, the present complaint has been filed. It is admitted by the parties that



Rs.2,30,000/- has been paid by the petitioners and out of the total consideration amount of Rs. 2,50,000/- the terms and conditions of the agreement disclose that Rs.20,000/- is required to be paid at the time of transfer of registration certificate, in the name of the petitioner, as per provision of Motor Vehicle Act, I am of the opinion that petitioners have been made out prima facie a case to be released on anticipatory bail, 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 four weeks from today, on furnishing bail bond of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-IV, Khagaria in connection with Complaint Case No. 975C of 2019/, subject to the condition as laid down under Section 438(2) of the Cr.P.C. with further condition that petitioners may deposit Rs.20,000/- for performance of agreement on the part of the complainant for getting the vehicle transfer on his own name.

7. The Court below is directed to verify the criminal antecedent of the petitioners and if it is found that the petitioners are involved in some other cases as what has been stated in paragraph no. 3 of the bail application, this order will



automatically loose its force.

(Purnendu Singh, J)

pravinkumar/-

U			
---	--	--	--

