

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28893 of 2023

Arising Out of PS. Case No.-245 Year-2021 Thana- MUFFASIL District- West Champaran

Ajay Kumar Son Of Sri Rambhajan Prasad, Resident of Village-Lalgarh, PS-
Mufassil Bettiah, Dist-West Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Anil Kumar Singh, Advocate

For the Opposite Party/s : Mr.Jitendra Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 14-07-2023 Heard Mr. Anil Kumar Singh, learned counsel
appearing on behalf of the petitioner and Mr. Jitendra Kuamr
Singh, learned APP for the State.

The petitioner seeks pre-arrest bail in connection with
Mufassil P.S.Case No.245/2021, registered for the offences
punishable under Sections 467, 468, 471, 420/34 of the Indian
Penal Code.

Prosecution story, in brief, is that the petitioner has
been found to be involved in selling of one i20 Sports CRDI
Car bearing Registration No.AR02A 4869, Chasis
No.MALBM51RLJM599116 and Engine No.D4FCJM663025,
registered in the State of Arunachal Pradesh in the name of the
informant. Price of car is worth Rs.9 lac. At the relevant point of
commission of offence, the petitioner was posted as the
Manager in Hyundai Showroom at Bettiah. FIR has also been
lodged against the Managing Director of Hyundai Company and



dealer of Hyundai Showroom at Motihari.

Learned counsel appearing on behalf of the petitioner informs that the petitioner is the Branch Manager of an Agency, namely, Balaji Hyundai Pvt. Ltd. having its showroom at Motihari and Bettiah. Petitioner is the Manager of Hyundai Showroom, Bettiah. Learned counsel further submits that the petitioner is nowhere concerned either with the sale or purchase of the alleged Hyundai Car worth Rs.9 lac. The sale of the car was performed at the end of the Company and the Managing Director of the Company is responsible for illegally selling the said car, which has been banned by the Hon'ble Apex Court.

Learned APP for the State vehemently opposed the prayer for grant of pre-arrest bail to the petitioner.

Having considered the rival submissions of the parties and the allegation made in the FIR, it appears that in course of business transaction, a vehicle was sold to the informant by the Hyundai Company and the consideration amount was paid and received by the company through its dealers. It is admitted that the consideration amount was transferred in the account of Hyundai Company. The dealer has been given due commission in selling the said vehicle. Petitioner is the Manager and he is only responsible to facilitate the customers and he has no role in



deceiving any customer in any manner. It is the company and the dealer, who can be held liable for cheating the informant and getting the vehicle registered in the State of Arunachal Pradesh. I am of the opinion that the petitioner has *prime facie* made out a case to be released on pre-arrest bail. The petitioner is directed to be released on pre-arrest bail, in the event of his arrest or surrender before the 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 CJM, West Champaran, Bettiah in connection with Bettiah Mufassil P.S.Case No.245/2021 subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Purnendu Singh, J)

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