

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37843 of 2023

Arising Out of PS. Case No.-123 Year-2019 Thana- SHEKHPURA COMPLAINT CASE
District- Sheikhpura

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Md. Rajji Khan S/O Nawab Khan R/O Village- Sanaiya, P.S- Ariyari, Distt.-
Sheikhpura.

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR
2. MAHENDRA YADAV S/O LATE GOVIND YADAV R/O Village-
Khalaspur, PS. Sheikhpura, Distt. Sheikhpura

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Kumar Kamal Nayan, Adv.
For the Opposite Party/s : Mr.Pawan Kumar Chaurasia, APP
Mr.Satish Kumar, Adv.

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CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 06-11-2023 Heard learned counsel for the petitioner, learned counsel
for the O.P. No.2 and learned APP for the State.

2. The petitioner apprehends his arrest in a case registered
for the offence punishable u/s 323, 420, 406, 379, 506, 34 of the
IPC and 138 of the N.I. Act and cognizance has been taken u/s
406 and 504/34 of the IPC.

3. As per the prosecution case, the petitioner purchased a
vehicle from the complainant and paid Rs.2,25,000/- and
assured to pay Rs.5,62,000/- to Transport Finance, Sheikhpura
and one Rizwan Khan was the guarantor. Petitioner paid
Rs.81,000/- in cash and gave a cheque of Rs.44,000/-. Thereafter
no amount was paid and due to this, the petitioner was declared



defaulter. The petitioner and co-accused have also stolen valuable parts of the truck. When the complainant demanded his due amount, the accused gave two cheques of Rs.72,000/- each but the same got dishonoured. Thereafter, the petitioner with other accused persons came and threatened the petitioner with dire consequences.

4. It is submitted by learned counsel for the petitioner that petitioner is quite innocent and has committed no offence. He has been falsely implicated in this case due to ulterior motive. No such occurrence, in the manner as alleged, has ever taken place. It is an admitted fact that the agreement was executed between the parties and petitioner had paid Rs.81,000/- to the complainant and rest amount of Rs.1,44,000/-, was given by two cheques. He had to pay Rs.5,62,000/- to Sri Ram Transport Finance, Branch Sheikhpura but when the petitioner visited the office of the Finance Company, he got information that loan amount of Rs.8,50,316/- was due on the alleged truck. Thereafter, the petitioner consulted the complainant about the suppression of the fact and demanded his money of Rs.81,000/- back. The alleged Truck was never handed over to the petitioner. It is further submitted that there is civil dispute between the parties and the cognizance has been taken u/s 406 and 504/34 of



the IPC. Petitioner has 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, since there is a civil dispute between the parties, let the above named petitioner, be released on bail, in the event of his 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) 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 Case No.123C/2019, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Anjani Kumar Sharan, J)

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