

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.49937 of 2022

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

Diwakar Kumar @ Diwakar Prasad, aged about- 50 years, Male Son of Dhrub Narayan Prasad Resident of Mohalla - Gandhi Nagar, Ward No.- 2, Motihari, P.S.- Motihari (Town), District - East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Prince Kumar Mishra, Advocate Mr. Vikas Kumar Jha, Advocate
For the O.P. No. 2	:	Mr. Rajesh Ranjan, Advocate
For the State	:	Mr. Nawal Kishore Prasad, A.P.P.

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

4 02-05-2023 Heard Mr. Prince Kumar Mishra, learned counsel appearing on behalf of the petitioner, Mr. Rajesh Ranjan, learned counsel appearing on behalf of the opposite party no.2 and Mr. Nawal Kishore Prasad, learned APP for the State.

2. The petitioner seeks pre-arrest bail in connection with Mufassil P.S. Case No. 245 of 2021 dated 05.04.2021 registered for the offence punishable under Sections 467, 468, 471 and 420 read with Section 34 of the Indian Penal Code.

3. Prosecution story, in brief, is that petitioner has been found to be involved in sale of one Hyundai Car bearing Registration No. AR 01 A4869 registered on 16.03.2020 in the State of Arunachal Pradesh in name of the informant. Price of car is worth rupees nine lacs. At the relevant point of



commission of offence, the petitioner was posted as manager in Hyundai Showroom at Motihari. FIR is also lodged against the Managing Director of Hyundai Company and dealer of Hyundai Showroom at Motihari.

4. Learned counsel appearing on behalf of the petitioner submitted that the petitioner is nowhere concerned either with the sale or purchase of the alleged Hyundai Car worth rupees nine lacs. The sale was performed at the end of the company and the Managing Director of the company is responsible for illegally selling BS-4 vehicle which has been banned by the Apex Court.

5. Learned counsel appearing on behalf of the informant submitted that petitioner is directly involved in deceiving the informant by selling the vehicle and in getting it registered in the State of Arunachal Pradesh by anti-dating the date of registration.

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

7. Having heard 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 vide



instrument and received by the company through its dealers. It is admitted that the consideration amount was transferred in the account of Hyundai Company. The dealers 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 dealers, 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 petitioner has *prima facie* made out a case to be released on pre-arrest bail.

8. The petitioner, above named, 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 Chief Judicial Magistrate, West Champaran at Bettiah in connection with Mufassil P.S. Case No. 245 of 2021 dated 05.04.2021, subject to the condition as laid down under Section 438(2) of the Cr.P.C.

(Purnendu Singh, J)

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