

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.57476 of 2023

Arising Out of PS. Case No.-501 Year-2016 Thana- GAYA COMPLAINT CASE District-
Gaya

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Raj Laxmi @ Raj Laxmi Singh Wife Of Rajesh Kumar Singh Proprietor Of
Suryaday Auto Devo Kothi, Ap. Colony, Ps- Rampur, Dist- Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rashid Izhar, Advocate

For the Opposite Party/s : Mr. Navin Kumar Pandey, APP

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CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 30-08-2023 Heard Mr. Rashid Izhar, learned counsel appearing
on behalf of the petitioner and Mr. Navin Kumar Pandey,
learned APP appearing on behalf of the State.

2. The petitioner apprehends her arrest in connection
with Complaint Case No. 501 of 2016 registered under Section
420 of the Indian Penal Code.

3. The allegation against the petitioner is that she is
the proprietor of Surya Auto Agency from where the
complainant has purchased a three wheeler which was financed
by the Bajaj Finance Limited and some amount was also been
paid but the finance company along with the staff of the said
auto agency seized her vehicle and did not handover the
agreement papers and due to that she is unable to maintain her
livelihood.

4. Learned counsel appearing on behalf of the petitioner submits that the vehicle Bajaj Auto Modal RE 445 L purchased on 17.04.2012 (Registration No. BR 02Q 5859) was in fact purchased from the petitioner's agency after full payment by the complainant on 17.04.2012 and as such the petitioner had no interest to align with the Bajaj Finance Company to pick the vehicle of the complainant. Learned counsel further submits that petitioner has clean antecedent.

5. Learned APP appearing on behalf of the State has vehemently opposed the prayer for grant of anticipatory bail to the petitioner.

6. Considering the nature of allegation as well as the fact that complainant has lodged the complaint in the year 2016 and no action was taken in the meantime by the complainant. The complainant was also of the opinion that no role as alleged in the complaint is attributed to the petitioner apart from the fact that the petitioner is the agent of Bajaj Auto Ltd. and the sale proceeds are directly credited into the account of Bajaj Auto Ltd. In above view of the matter, the petitioner has made out a, *prima facie*, case to be released on anticipatory bail.

7. Court below is directed to release the petitioner on anticipatory bail, in the event of her 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 Chief Judicial Magistrate, Gaya in connection with Complaint Case No. 501 of 2016, subject to the condition as laid down under Section 438(2) of the Cr.P.C.

(Purnendu Singh, J)

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