

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53186 of 2023

Arising Out of PS. Case No.-920 Year-2022 Thana- BHAGALPUR COMPLAINT CASE
District- Bhagalpur

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Raja Kumar Das (M), aged about 22 years, son of Shankar Prasad Das, resident of Sukargarh, Purbi Fatak, P.S- Borio (Jorwabari), Distt.- Sahebganj (Jharkhand).

... .. Petitioner/s

Versus

1. The State of Bihar
2. Ram Chandra Mandal (M), aged about 29 years, son of Jatadhari Mandal, resident of Village- Babupur, P.S- Pirpanti, Distt.- Bhagalpur.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Ms. Anita Kumari Singh, Advocate
		Mr. Paritosh Parimal, Advocate
For the Opposite Party/s :		Mr. Jitendra Kumar Singh, APP

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CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER

2 23-08-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. The petitioner apprehends arrest in connection with Complaint Case No.920 of 2022 dated 09.06.2022, instituted under Sections 406, 420, 310, 467, 468, 471 of the Indian Penal Code but cognizance has been taken only under Section 420 of the Indian Penal Code.

3. The allegation against the petitioner is that the complainant bought a vehicle from the petitioner, who works in a Finance Company, for rupees twelve lac out of which rupees four lac and two thousand was paid as advance and the



remaining amount was to be paid in installment for which an agreement was also executed. It is further alleged that on 18.05.2022, the said vehicle was taken on rent by the petitioner and other co-accused for going to Pirpainty, but the accused persons did not return the vehicle to the complainant. It is further alleged that the petitioner had sold the vehicle claiming the same to be of his but when the complainant checked it was found that the same belongs to one Wasim Khan.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. The dispute is with regard to the vehicle which was purchased by the complainant on certain terms and conditions which was not complied by the complainant and thereafter the petitioner took away the said vehicle. Annexure-3/1, which is the agreement for sale on a stamp paper, shows that the vehicle was sold on certain terms and conditions. Learned counsel further submitted that the agreement dated 09.04.2022 shows that if the purchaser (complainant) failed to deposit the installment on two consecutive dates, then the petitioner will take charge of the said vehicle. It is further stated that when the complainant failed to deposit the installments, the petitioner asked him to handover the vehicle and, accordingly, on the



alleged date of occurrence, the petitioner took the possession of the vehicle. It is further submitted that allegation is of civil in nature and no criminal offence is made out. It is further submitted that complaint case has been lodged after delay of about nineteen days. Lastly, it is submitted that the petitioner has clean antecedents.

5. Learned APP has opposed the prayer for bail.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest or surrender before the Court below within six weeks from today, the petitioner be released on bail upon furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate, 1st Class, Bhagalpur, in Complaint Case No.920 of 2022, subject to the conditions laid down in Section 438(2) of the Code of Criminal Procedure, 1973.

7. The application stands allowed.

(Khatim Reza, J)

J. Alam/-

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