

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58573 of 2022

Arising Out of PS. Case No.-129 Year-2022 Thana- SASARAM MUFFSIL District- Rohtas

VIJAY KUMAR SINGH S/O Manick Singh Resident of village- Khemda,
P.S- Barun, District- Aurangabad

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Upendra Prasad Singh, Advocate

For the Opposite Party/s : Mr.Kalyan Shankar, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 06-02-2023 Heard learned counsel for the petitioner and
learned APP for the State.

Let the defect(s), if any, as pointed out by the
office, be removed within four weeks.

The petitioner is apprehending arrest in connection
with Sasaram (M) P.S. Case No. 129 of 2022 under sections
406, 420, 467, 468, 471, 120(B) of the Indian Penal Code.

As per the prosecution story, the informant lady
lodged the FIR stating that there was an agreement between the
petitioner and her husband for the truck in which after paying
him Rs.3,50,000/-, the rest Rs. 23,50,000/- was to be paid to the
Magma Finance Company to settle the loan amount.

In between, her husband died and due to the rules
and regulations, the insurance death claim worth Rs. 17,



39,826/- was released which was attached with the loan amount. When the informant came to know about it, she preferred petition before the DTO, Sasaram for cancellation of ownership as due to No Objection Certificate given by the Magma Finance Company, his name was registered in the said government office. Accordingly, the name was restored in the name of informant and for the said alleged misappropriation, the FIR.

Learned counsel for the petitioner submits that pursuant to that agreement, an amount of Rs. 3,50,000/- was given with an undertaking that the rest amount will be paid by him. Further, after the death of her husband, the insurance amount, as stated above, got released and that was settled in the loan amount.

The informant's husband having parted with the truck, the lady cannot come back and re-claim the truck and/or ask for the benefits and/or the insurance amount that was released and in that background, he will also pursue legal remedy to get the truck back.

Taking into account the aforesaid facts, so far as the grant of anticipatory bail is concerned, prima facie, this Court is satisfied that it is a fit case for extending anticipatory bail to the petitioner herein as the dispute which both the parties



are raising is purely a civil one. As the FIR has been lodged and ultimately the petitioner will have to face the trial, this Court is inclined to grant him the privilege of anticipatory bail.

Let the petitioner be released on bail, in the event of his arrest or surrender within a period of four weeks from the receipt of this order, on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of like amount each to the satisfaction of learned Chief Judicial Magistrate, Sasaram, in connection with Sasaram (M) P.S. Case No. 129 of 2022 subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Rajiv Roy, J)

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