

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.74259 of 2023

Arising Out of PS. Case No.-301 Year-2023 Thana- TAJPUR District- Samastipur

Raushan Kumar Mishra Son Of Anil Kumar Mishra R/O Village- Wyaspur,
P.S.- Tajpur, P.S.- Tajpur (HALAI O.P.), District- Samastipur

... .. Petitioner/s

Versus

1. The State of Bihar BIHAR
2. Ranjit Kumar, Zonal Legal Manager, Tata Motors Finance Co., At Speaker
Chauk, P.S.- Town, District- Muzaffarpur, Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ajay Kumar, Advocate

For the Opposite Party/s : Mr.Ram Naresh Ray,APP

**CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH
SINGH**

ORAL ORDER

2 05-12-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in a case in connection with Tajpur P.S. Case No. 301 of 2023 dated 30.05.2023 registered for the offences punishable u/ss 406, 420, 341, 323, 379, 427, 504 and 506 of the Indian Penal Code.

3. As per the prosecution case, the petitioner had availed a loan from Tata Motors Finance company for purchase of a vehicle Tata LP 407 and executed a loan hypothecation agreement in favour of the company. When the petitioner failed to repay the said loan amount, the company referred the matter for arbitration wherein the learned Arbitrator passed an order for



recovery of Rs. 19,05,535/- against the petitioner and also allowed to take possession of vehicle from the petitioner. On the alleged date of occurrence when the informant along with the other official employees of the company went to the petitioner's place for recovery of loan amount, the petitioner assaulted them and also damaged the car of the informant and snatched Rs. 70,000/- from the employees of the company and also threatened to kill them. Further, the possession of the said vehicle may be given.

4. Learned counsel for the petitioner has submitted that the petitioner has falsely been implicated in this case. Learned counsel has further submitted that it is a commercial transaction. It is further submitted that the petitioner had purchased a school bus after taking loan from Tata Motor Finance on 30.12.2019 and deposit the first installment but thereafter due to Corona pandemic and financial crisis, the petitioner could not pay the loan amount. Learned counsel has further submitted that the petitioner is ready to deposit the sum of Rs. 1000000/- with interest within three months which was decided before the learned Arbitrator dated 25.04.2023. The petitioner has no criminal antecedent as stated at para 3 of the bail petition.



5. Learned A.P.P. for the State has vehemently opposed the anticipatory bail petition of the petitioner.

6. Considering the aforesaid facts and circumstances of the case as well as the nature of allegation against the petitioner, let the above named petitioner, in the event of his arrest/surrender within a period of six weeks from today, be enlarged on bail on furnishing bail-bond of Rs. 20,000/- (Rupees twenty thousand) with two sureties of the like amount each to the satisfaction of the learned court concerned, Samastipur in connection with Tajpur P.S. Case No. 301 of 2023, subject to conditions as laid down under section 438(2) of the Code of Criminal Procedure with further condition :-

(i) The petitioner is directed to remain physically present before the learned Court below on each and every date, failing which on two consecutive dates without reasonable cause, the prosecution will be at liberty to move for cancellation of his bail bond.

7. The application stands allowed.

(Chandra Prakash Singh, J)

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