

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17311 of 2024

Arising Out of PS. Case No.-153 Year-2023 Thana- GAYA COMPLAINT CASE District-
Gaya

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Sumant Kumar S/o Kapil Dev Prasad R/o Village Bara PS Imamganj District
Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Arvnendra Kumar Thakur
For the Opposite Party/s : Ms.Anita Kumari

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

- 2 30-07-2024 1. Heard learned counsel for the petitioner and learned A.P.P. for the State and learned counsel appearing on behalf of the Informant.
2. The petitioner apprehends his arrest in connection with Complaint Case No. 153 of 2023 registered for the offences punishable under Section 406 of the Indian Penal Code.
3. The Court feels perturbed and disturbed by the conduct of the petitioner; a helpless widow has been taken for a ride, the petitioner in garb of friendship has literally torn the widow apart and has made her suffer financially.
4. The learned counsel for the OP No. 2 submits that after the husband of the OP No. 2 died, she had to fend for



herself and the children, and the only mode of her sustenance was the *Auto* of her husband. It is submitted that this petitioner, being friend of the husband of the OP No. 2, taking advantage of her plight and loneliness came close to her and promised that if the *Auto* is given to him, he will earn and will give money for sustenance of her family as such the OP No. 2 believing the petitioner gave the *Auto* of her husband to the petitioner so that he earns and at the same time, gives financial support to the family. It is next submitted that petitioner for some time gave money to the OP No. 2 after earning but realizing that she is a helpless widow, he stopped, accordingly the instant complaint case came to be instituted in which the engine and chassis number of the *Auto* is recorded.

5. The learned counsel for the OP No. 2 next submits that when the case was taken up on 25-6-2024, the learned counsel for the petitioner had sought time for filing a supplementary affidavit.

6. In compliance of the order dated 25-6-2024, the supplementary affidavit has been filed on behalf of the petitioner wherein it is recorded that the *Auto* has been returned to the OP No. 2 but then OP No. 2 did not give any receiving.

7. The learned counsel for the OP No. 2 next submits



that from perusal of the pleadings made in the supplementary affidavit, it would manifest that the same is bereft of the date on which the petitioner had returned the *Auto* to the OP No. 2. It is next submitted that the date of return of the *Auto* in the supplementary affidavit was not recorded deliberately for the reason that the *Auto* in question was seized in Rafipur PS Case No. 12 of 2024 and the fact that the said *Auto* has been seized manifests from the fact that engine number of the seized *Auto* carries the same number, which is pleaded in the complaint case.

8. The learned counsel for the informant next submits that Rafipur PS Case No. 12 of 2024 has been instituted under the Excise Act which amply demonstrates that petitioner is involved in racket of sale of illegal liquor. It is further submitted that the fact that the supplementary affidavit has been filed recording that *Auto* has been returned to the OP No. 2 amply demonstrates that petitioner was in possession of the *Auto* of the OP No. 2, but then the said *Auto* got seized in the aforesaid criminal case.

9. The learned counsel appearing on behalf of the petitioner is disputing the said fact that the *Auto* has been seized in Rafipur PS Case No. 12 of 2024. It is also submitted that petitioner has returned the *Auto* to the OP No. 2 but then no



receiving was given to him on which the learned counsel appearing on behalf of the OP No. 2 submits that had the *Auto* been returned to the OP No. 2, at least the date on which the *Auto* was returned would have been mentioned in the supplementary affidavit but then the same is missing and that too for an obvious reason as recorded hereinabove.

10. Considering the submissions made by the learned counsel appearing on behalf of the informant, the Court is not inclined to to extend the privilege of anticipatory bail to the petitioner.

11. Accordingly, the instant anticipatory bail application is dismissed.

12. Let a copy of this order be sent to the Senior Superintendent of Police, Gaya for taking action in accordance with law.

(Satyavrat Verma, J)

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