

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25812 of 2024

Arising Out of PS. Case No.-758 Year-2022 Thana- GAYA COMPLAINT CASE District-
Gaya

=====

Satya Gupta @ Satendra Kumar S/O Mohan Sao R/O Vill. - Bahuara, P.S -
Imamganj, Distt. - Gaya

... .. Petitioner/s

Versus

1. The State of Bihar
2. Manoj Kumar S/O Trilok Singh R/O Vill. - Manwajhor Kahudag, P.S -
Barachatti, Distt. - Gaya

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr.Arvind Kumar Singh, Advocate
For the Opposite Party/s : Mr.Rabindra Kumar, APP

=====

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

3 05-08-2024 1. Heard learned counsel for the petitioner as well as
learned APP for the State.

2. The petitioner seeks bail in anticipation of his
arrest in a case registered for the offences punishable under
Section 420 of the IPC in connection with Complaint Case
No.758 of 2022.

3. The learned counsel for the petitioner at the outset
submits that from perusal of office notes dated 31.07.2024, it
would manifest that the same records that O.P. No.2 refuse to
accept notice, therefore, notice has been house effected.

4. In view of the office report dated 31.07.2024, the
notice is deemed to have been validly served.

5. The learned counsel for the petitioner next submits



that petitioner is a person with clean antecedents and has been falsely implicated in the instant case by the complainant. It is next submitted that complainant sold his auto rickshaw to petitioner after realizing Rs.30,000/- from him, further it was agreed by the petitioner that he will deposit forty five installments of Rs.9000/- of loan amount to Mahindra Finance Company, but resile from his promise, as such the agreements stands breached. Further, it is also alleged that neither the installments was paid nor the auto was returned.

6. The learned counsel for the petitioner fairly submits that petitioner is willing to return the auto which he had purchased from the complainant. It is also submitted that though the complainant had sold the auto stating that it was in good condition but when the petitioner started using it for commercial purpose the auto broke down for which the petitioner spent Rs.17,500/-.

7. It is next submitted at the cost of repetition that petitioner is willing to return the auto to the complainant if the complainant intends to take it back.

8. The learned APP opposes the anticipatory bail application.

9. Considering the submissions made by the learned



counsel for the petitioner, the petitioner above-named, in the event of his arrest or surrender before the learned Court below within a period of six weeks, is directed to be released on bail on his furnishing bail-bonds in the sum of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate, Ist Class, Sherghati, Gaya in connection with Complaint Case No.758 of 2022, subject to the conditions laid down under Section 438(2) of the Cr.P.C.

10. However, the complainant would be at liberty to file an application seeking cancellation of the anticipatory bail granted to the petitioner, if the petitioner does not return his auto when asked for by the O.P. No.2.

11. The learned trial court is requested to hand over a copy of the present order to the learned counsel appearing on behalf of the O.P. No.2.

12. The application stands allowed.

(Satyavrat Verma, J)

Prakash Narayan

U		T	
---	--	---	--

