

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30448 of 2024

Arising Out of PS. Case No.-567 Year-2022 Thana- KHAGARIA COMPALINT CASE
District- Khagaria

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Satendra Prasad @ Satyendra Kumar Sharma Son of Prabhu Narayan Sharma
Ward No.10, Molanachak, P.S. Balia, District- Begusarai

... .. Petitioner/s

Versus

1. The State of Bihar
2. Prabhakar Kumar, Son of Late Brijlal Singh, Resident of Village- Chanditola
Banni, P.S. Maheshkhut, District- Khagaria

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Sachina, Advocate
For the State	:	Mr. Madhura Nand Jha, APP
For the Complainant	:	Mr. Kumar Vishoka Nand, Advocate

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CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

4 20-11-2024 Heard Mr. Sachina, learned counsel appearing on

behalf of the petitioner; Mr. Madhura Nand Jha, learned APP for
the State and Mr. Kumar Vishoka Nand, learned counsel
appearing on behalf of the Complainant.

2. The petitioner seeks pre-arrest bail in connection
with Complaint Case No. 567(C) of 2022 registered for the
offence(s) punishable under Sections 406 of the Indian Penal
Code.

3. As per the allegation made in the FIR, the
complainant purchased a pickup Bolero van, which was
financed by Chola Finance Company but when the complainant
didn't deposit installment then the said vehicle was taken away
from him and was sold in auction by the said Finance Company.

4. Learned counsel appearing on behalf of the



petitioner submits that petitioner is innocent and he has falsely been implicated in the present case. The petitioner is Manager-cum -Advisor of Chola Finance Company and a Bolero pickup van was financed by the said Company. He admits that the total value of the Bolero pickup van bearing Registration No. BR9R/5518 has not been mentioned in the complaint nor the receipt of the said vehicle has been produced by the petitioner, therefore, neither the total value of the said vehicle can be determined nor the total value of the assured installment amount, which was not returned by the informant, can be determined. Learned counsel submits that this lead the petitioner to auction the said vehicle, as per the terms and conditions of the agreement entered with the Complainant for financing the said vehicle and now, against the terms and conditions of the agreement, after the vehicle has been auctioned in accordance with the agreement binding on the parties, the complainant filed the Complaint before the learned CJM, Khagaria, alleging false allegations. He further submits that the petitioner is a Manager-cum- Advisor of Chola Finance Company and the Company is ready to pay the Complainant a sum of Rs.1,01,233/- to buy peace of mind and get rid of the criminal prosecution.

5. Learned APP for the State vehemently opposed the



prayer for grant of pre-arrest bail.

6. Learned counsel appearing on behalf of the Complainant submits that the ingredient of Section 406 of the Indian Penal Code are made out against the petitioner. From the beginning conduct of the petitioner (Manager- cum- Advisor of Chola Finance Company) was to cheat innocent persons and only when almost entire amount of installment was paid, the petitioner proceeded to auction the said vehicle, belonging to the complainant, even without issuing notice to him and as per the procedure prescribed under law. The complainant had no option then to file the criminal complaint for deceiving him from his valuable possession. It is next submitted by the learned counsel that the petitioner has committed forgery and he has cheated the informant, which cannot be meted, even if he deposits Rs.1,01,233/-, therefore, he is not entitled to be released on pre-arrest bail.

7. Having considered the rival submissions made on behalf of the parties, as well as, the allegation made by the complainant against the petitioner, I am not inclined to enlarge the petitioner on pre-arrest bail. However, if so advised, the petitioner may surrender before the learned District Court for regular bail and the learned District Court is directed to hear the



regular bail application of the petitioner and pass a necessary order on the same day, in accordance with law, on the basis of material on record and the conduct of the parties.

8. Accordingly, the present pre-arrest bail application stands disposed of.

(Purnendu Singh, J.)

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