

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44518 of 2024

Arising Out of PS. Case No.-170 Year-2021 Thana- GARKHA District- Saran

Manoj Rai son of Harendra Ray Village- Babhanaiya Ps- Garkha Dist- Saran

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s	:	Ms. Mili Kumari, Adv.
For the Opposite Party/s	:	Mr. Ashok Kumar Singh, APP
For the Informant	:	Mr. Avinash Kumar P., Adv.

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

3 17-12-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State as well as learned counsel for the informant.

02. In the present case, the petitioner is apprehending his arrest in connection with Garkha P.S. Case No. 170 of 2021, registered on 11.03.2021, for the alleged offence under Sections 406, 420, 467, 468, 120(B) of the Indian Penal Code.

03. As per prosecution case, petitioner and co-accused persons induced the complainant/informant in purchasing a tractor from the agency of the petitioner. However, the informant was given fake insurance papper and fake receipts of payment of installments of the loan taken by the informant.

04. Learned counsel for the petitioner submits that petitioner is innocent and has been falsely implicated in this case. The present case has been lodged by the informant after he



received a legal notice from the TVS Credit Service Ltd. for taking action against the informant. Learned counsel further submits that the complainant/informant is defaulter in making the payment of loan amount and when he received legal notice from the finance company, he has filed the present case. The petitioner has no role in the whole occurrence as the EMI of loan amount is interlinked with bank account of loanee and there is no question of giving amount of EMI to the proprietor of agency of the tractor. It appears the informant got his tractor insured by some stranger and when the insurance paper was found forged and fabricated, the informant lodged the instant case. Learned counsel further submits that the petitioner holds good reputation in his locality and to slur the image of the petitioner, the present false case has been lodged.

05. Learned A.P.P. for the State as well as learned counsel appearing on behalf of complainant/informant vehemently oppose the prayer for anticipatory bail. Learned counsel for the complainant/informant submits that the petitioner and other co-accused persons were actively involved in cheating the informant by providing him a fake insurance paper.

06. Having regard to the facts and circumstances and



submission made on behalf of the parties and considering the completely vague and doubtful nature of allegation against the petitioner and further considering the clean antecedent of the petitioner and possibility of false implication, let the petitioner above named, in the event of his arrest or surrender before the court concerned within a period of eight weeks from today, be released on bail, on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand Only) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-IV, Saran at Chapra in connection with Garkha P.S. Case No. 170 of 2021, subject to the condition laid down under Section 438(2) of the Code of Criminal Procedure and other following conditions:

- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present on each and every date fixed by the court below, if so required by the learned trial court.

(Arun Kumar Jha, J)

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