

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.67085 of 2024

Arising Out of PS. Case No.-120 Year-2024 Thana- MUFFASIL District- West Champaran

1. Surendra Prasad Son of Late Nandlal Prasad Resident of Village- Nirpur, P.S.- Pahadpur, Distt.- East Champaran
2. Ritesh Kumar Son of Surendra Prasad Resident of Village- Nirpur, P.S.- Pahadpur, Distt.- East Champaran
3. Jhunna Kumar Son of Surendra Prasad Resident of Village- Nirpur, P.S.- Pahadpur, Distt.- East Champaran
4. Sudama Kumar Son of Surendra Prasad Resident of Village- Nirpur, P.S.- Pahadpur, Distt.- East Champaran
5. Sujeet Kuamr @ Ajit Kumar Son of Surendra Prasad Resident of Village- Nirpur, P.S.- Pahadpur, Distt.- East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Sanjeev Kumar
For the Informant	:	Mr. Anant Kumar Mishra
		Mr. S. Kashyap
For the Opposite Party/s :		Mr. Anil Kumar

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

- 2 03-10-2024 1. Heard learned Counsel for the petitioners and learned Additional Public Prosecutor for the State.
2. This application, for grant of anticipatory bail, arises out of Bettiah Muffasil Manuapool Police Station Case No. 120 of 2024, dated 25.02.2024, disclosing offences under Sections 341/323/392/386/420/120B/504/506/34 of the Indian Penal Code and Section 27 of the Arms Act.
3. The prosecution case, as per the First Information Report, is that the informant purchased JCB on loan for a total



consideration amount of Rs. 24,50,000/- and installment for the same was being given through petitioner no. 2, who was the driver of the JCB, on monthly basis. When the informant came to know that the amount of installment was not being deposited by the petitioner no. 2, he fired the petitioner no. 2 and appointed another driver. On 12.01.2024, the informant had sent the JCB for repairing at Lauriya and while the driver of the JCB was taking it back and reached near Gurwalia Chowk, the JCB was looted by the petitioners on gun point by tying the hands and legs of the driver.

4. Learned counsel for the petitioners submits that the petitioners have falsely been implicated in the present case due to dispute regarding sale and purchase of JCB, in question. It is true that the petitioner no. 2 was the driver of the JCB, however, the informant had sold the JCB, in question, in favour of the petitioner no. 1, who is father of petitioner no. 2, and a sale letter was executed between the informant and the petitioner no. 1 on 26.06.2023. He next submits that the informant, in support of the sale of JCB in favour of the petitioner no. 1, has also sworn an affidavit, dated 26.06.2023. Since then the JCB is in the



possession and ownership of the petitioner no. 1. He further submits that the occurrence has taken place on 12.01.2024, whereas, the complaint has been filed after delay of about 20 days on 30.01.2024, which has been converted into First Information Report under Section 156 (3) of the Code of Criminal Procedure.

5. On the other hand learned counsel for the informant vehemently opposes the prayer for anticipatory bail of the petitioners and submits that ownership of JCB is a disputed question of fact, but as per the First Information Report, the accused persons/petitioners have looted the JCB from the rightful possession of the informant's driver which constitutes an offence.
6. Regards being had to the submissions made on behalf of the parties and taking into consideration the nature of allegation and the fact that the sale letter has been prepared between the informant and the petitioner no. 1, which is supported by the affidavit duly sworn by the informant, I am inclined to grant the petitioners privilege of anticipatory bail.
7. This application is, accordingly, allowed.
8. Let the petitioners, above named, in the event of his arrest



or surrender before the Court below within four weeks, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, West Champaran at Bettiah, in connection with Bettiah Muffasil Manuapool Police Station Case No. 120 of 2024, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure.

(Anil Kumar Sinha, J)

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