

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.81381 of 2024

Arising Out of PS. Case No.-339 Year-2024 Thana- MUFFASIL District- West Champaran

1. Ramprit Kumar Yadav @ Ramprit Yadav S/O Suresh Yadav Resident of Vill- Teldiha, P.S.- Tikapatti, Dist- Purnia (The Address of the Petitioner has wrongly been written in the Impugned Order).
2. Khushbuddin @ Golu @Golu Mian @ Khushbuddin Miyan R/O Village- Hat Saraiya, P.S- Bairiya, Distt.- West Champarn.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sanjeev Kumar
For the Opposite Party/s : Mr.Binod Kumar

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 12-12-2024 1. Heard the parties.

2. The petitioners apprehend their arrest in connection with Bettiah Mufassil P.S. Case No. 339 of 2024 registered under Sections 364 / 506 of the I.P.C.

3. As per the prosecution story on 13.06.2024 the informant's son (victim) proceeded towards Bettiah from Raxaul on his Tata Truck bearing Registration No. BR05GB-3113 after loading banana and while the victim was returning to Raxaul he was kidnapped near Bettiah Bazar Samiti by the petitioners.

4. Learned counsel for the petitioners submits that no occurrence has taken place in the manner alleged and the petitioners have falsely been implicated on the basis of false and



fabricated story due to dispute regarding purchase of Tata Truck in question. The victim had executed a sale letter on 04.03.2020 for sale of the Truck in question in favour of the petitioner no. 1 after receipt of Rs. 8 Lakh as the consideration amount. At the time of sale of the truck in favour of the petitioner no. 1 it was agreed that the installment amount towards the loan of the truck shall be paid by the owner of the truck i.e. the victim. The victim failed to pay the installment amount to the finance company and accordingly finance company seized the truck in question for which a complaint case was filed by the petitioner no. 1 bearing Complaint Case No. 814 of 2021 against the informant's son / victim in which cognizance was taken by the learned Magistrate on 20.07.2022 under Section 420 I.P.C. Subsequently, both the parties arrived at a settlement that the truck will be plied by the victim and E.M.I. of the finance company shall be paid by the victim but again the victim defaulted for which an F.I.R. was lodged by the petitioner no. 1 bearing Tikapatti P.S. Case No. 95 of 2024 under Section 406 / 420 of I.P.C. After the F.I.R. was lodged by the petitioner no. 1 against the victim, the present F.I.R. has been lodged by the victim's father on the basis of a concocted story. The petitioner no. 2 is not named in the F.I.R. and he has been made accused



on the basis of subsequent statement of the victim.

5. Regard being had to the submission made by the parties, taking into consideration the nature of allegation and the sale purchase affidavit between the parties, I am inclined to grant anticipatory bail to the petitioners.

6. Let the petitioners, above named, be released on anticipatory bail in the event of arrest or surrender before the court below within a period of four weeks from today on furnishing bail bond of Rs. 10,000/- (rupees ten thousand) each with two sureties of the like amount each to the satisfaction of C.J.M., Bettiah, West Champaran / Successor Court in connection with Bettiah Mufassil P.S. Case No. 339 of 2024 subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

(Anil Kumar Sinha, J)

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