IN THE HIGH COURT OF JUDICATURE AT PATNA

CRIMINAL MISCELLANEOUS No.82673 of 2024

Arising Out of PS. Case No.-815 Year-2016 Thana- KHAGARIA COMPALINT CASE District- Khagaria

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Milind Kumar Jha @ Miththu Mishra Son of Late Udaykant Jha R/O Vill.- Sirni Near Kali Sthan, P.S.- Gogri, Dist.- Khagaria, Present Address Authorised Dealer M/S Kamla Tractor Saharsa Road, P.S.- Mahesh Khut, Dist.- Khagaria.

... ... Petitioner/s

Versus

1. The State of Bihar
2. Rajesh Kumar Son of Sri Chhotelal Sharma R/O Vill.- English Banni, P.S.- Mahesh Khut, Dist.- Khagaria.

... ... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Gaurav Kumar

For the Opposite Party/s : Mr. Rita Verma

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA

ORAL ORDER

2 16-12-2024 1. Heard learned Counsel for the petitioner and learned Additional Public Prosecutor for the State.

2. This application, for grant of anticipatory bail, arises out of Complaint Case No. 815C of 2016, disclosing offences under Sections 323, 406, 419, 420, 467, 468, 471, 120(B), 34 of the Indian Penal Code.

3. It is alleged that complainant contacted the petitioner for Mahindra Maxima vehicle and said that he is the authorized dealer of Mahindra Maxima vehicle and he would make available the Mahindra Maxima vehicle from Magma

Financier, Kolkata at the down payment of 1,17,000/- rupees. It is further alleged by the complainant that on 30.08.2013, he paid Rs. 5,000/- and on 14.09.2013 he paid Rs. 1,00,000/- and on 16.09.2013 he paid Rs. 12,000/- to the petitioner and the petitioner issued three receipts along with his signature of all the payments and assured to the complainant that the vehicle would be made available within 10-15 days and took signatures on some documents in the Bihar Gramin Bank, Mahesh Khut, Bazar, Branch. Thereafter, on 17.09.2013, the Mahindra Maxima vehicle was made available to the complainant and upon request, it is said that the original documents of the vehicle will be made available in one and half months. It has further been alleged by that complainant repeatedly demanded the original document of the vehicle but the petitioner was pretending differently, in the mean time the complainant was depositing his installments timely and he deposited Rs. 13,100/- on 6-7 installments and he received all the receipts also and subsequently, complainant came to know from the document issued by Magma Finance Company, Begusarai, that the petitioner has paid only Rs.72,000/- as a down payment and he has misappropriated Rs. 45,000/-. It has further been alleged that his vehicle was parked due to non availability of original documents and because of this, he was not in the position to pay the installments and on 30.04.2015, the petitioner along with 2-3 unknown persons came and took away his vehicle and on 19.09.2016, when the complainant demanded the original document of the vehicle, then petitioner started abusing the complainant.

4. Learned Counsel for the petitioner submits that the petitioner has falsely been implicated in the present case due to ulterior motive of the complainant and dirty village politics. He next submits that complainant has filed the present case after a delay of 17 months on 20.09.2016 which shows that the complainant, with an intention to blackmail and due to ill motive, falsely implicated the petitioner. He further submits that the initially the complainant has given Rs. 1,17,000/- in which Rs. 72,000/- was paid as an advance of the vehicle and the rest amount of Rs. 45,000/- has been paid for the expense like insurance, registration and other accessories of the vehicle.

5. Having regard to the submissions made on behalf of the parties and taking into consideration the fact that petitioner is having eight criminal antecedents of similar nature of offence, I am not inclined to grant the petitioner privilege of anticipatory bail.

6. This application is, accordingly, rejected.

(Anil Kumar Sinha, J)

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