

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.1481 of 2024

Arising Out of PS. Case No.-225 Year-2022 Thana- BARAUNI District- Begusarai

NAWAL KISHORE SHARMA, Male, aged about 61 years, SON OF LATE
CHANDESHWAR SHARMA, R/O VILLAGE- GUHAPAKAR, P.S. AND
DISTRICT- JEHANABAD Petitioner/s

Versus

THE STATE OF BIHAR Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Birendra Kumar, Advocate

For the Opposite Party/s : Mr.Satyendra Prasad, APP

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 31-01-2024 Heard Mr. Birendra Kumar, learned counsel appearing
on behalf of the petitioner and Mr. Satyendra Prasad, learned
APP for the State.

2. The petitioner seeks pre-arrest bail in connection
with Barauni(Chakia) P.S. Case No. 225 of 2022 dated
17.05.2022 registered for the offence(s) punishable under
Sections 379, 411, 414, 401 and 34 of the Indian Penal Code
and Section 11 of Prevention of Cruelty to Animal Act.

3. As per the allegation made in the FIR, a Scorpio
vehicle bearing Registration No.BR25A 9367 had met with an
accident and petitioner has been made accused because the
vehicle is registered in his name.

4. Learned counsel appearing on behalf of the
petitioner submitted that though the vehicle is still registered in
the name of the petitioner which was sold by him to one Md.
Mukhtar on 23.02.2019 after accepting the consideration



amount and to that effect, he has brought on record a sale note, petitioner undertakes to take steps on the basis of sale note dated 23.02.2019 to transfer the said vehicle in the name of the vendee, namely, Md. Mukhtar with the provision of Motor Vehicle Act. On these grounds, the petitioner seeks to be released on bail.

5. Learned APP for the State vehemently opposed the prayer for grant of pre-arrest bail and submitted that any sale and registration of vehicle can only be carried out in accordance with the provision of Central Motor Vehicle Act. Petitioner has tried to mislead this Court by annexing a sale note and has also not taken any steps to transfer the said vehicle in the name of the vendee, namely, Md. Mukhtar by making an application before the District Transport Officer having jurisdiction.

6. Having heard rival submissions made on behalf of the parties as well as the allegation made in the FIR, and the fact that the petitioner admits that subsequent to the sale note, he has not taken any steps to get the vehicle transferred in the name of the vendee, namely, Md. Mukhtar, which was sold in the year 2019 and the said vehicle met with an accident, the petitioner in order to show his *bona fide* is directed to take steps within a period of three weeks to get the vehicle transferred in the name



of said Md. Mukhtar in accordance with the provision of Motor Vehicle Act and show a receipt to that effect to the District Court. **In case the said receipt is produced before the District Court, duly signed by the office of the District Transport Officer concern having jurisdiction to register the vehicle,** the petitioner, above named, is directed to be released on pre-arrest bail, in the event of his arrest or surrender before the Court below within a period of six weeks from today, on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Begusarai in connection with Barauni(Chakia) P.S. Case No. 225 of 2022, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

7. In case of failure on the part of the petitioner to file an affidavit to the said effect before the District Court, this order shall automatically lose its force.

8. With the aforesaid observation/direction, the bail application stands disposed of.

(Purnendu Singh, J)

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