

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2929 of 2024

Arising Out of PS. Case No.-597 Year-2022 Thana- JEHANABAD COMPLAINT CASE
District- Jehanabad

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BIJAY PRASAD @ BIJAY PRASAD RAY SON OF YAMUNA PRASAD
RESIDENCE OF VILLAGE- AULIA CHAK, P.S.- KAKO DIST.-
JEHANABAD

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR
2. NAWAL KISHORE @ NAWAL YADAV NAGESHWAR PRASAD
R/VILLAGE- NIJAMUDDIN PUR, P.S.-JEHANABAD, P.O.-
JEHANABAD, DIST.- JEHANABAD.

... .. Opposite Party/s

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Appearance :

For the Petitioner	:	Mr. Nitya Nand Neeraj, Advocate Ms. Kumari Anjani Singh, Advocate
For the State	:	Mr. Umeshanand Pandit, APP
For Opposite Party No.1	:	Mr. Aditya Kumar Pandey, Advocate Ms. Supriya Kumari, Advocate

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3 07-03-2024 Heard learned counsels for the parties.

2. The petitioner apprehends his arrest in a complaint case registered for the offence punishable under Section 406 of the Indian Penal Code.

3. As per prosecution case, the complainant purchased a city ride bus from the petitioner, who was owner of the alleged bus, after payment of Rs. 4,50,000/- on 08.11.2012, for which an agreement paper was made on non-judicial stamp paper on joint signature of both the parties but the petitioner allegedly concealed the fact of dues amount of financier of the said bus



and due to the said dues, the financier seized the said city ride bus and on demand, the petitioner refused to return the said amount to the complainant and also assaulted him by slap and fists.

4. It is submitted by learned counsel appearing on behalf of the petitioner that as a matter of fact, the petitioner was never the owner of the vehicle in question. It is next submitted that the complainant bought the city ride bus on 08.11.2012 and the financier took back the said bus in December, 2021, after lapse of nine years and as such no offence is made out against the petitioner. It is further submitted that there is no chit of paper on record in support of the allegations. Moreover, the complaint petition itself depicts commercial transactions between the parties and the dispute is of civil nature, for which no criminal liability can be fastened against this petitioner and the complainant has got alternative remedies for the same. Petitioner claims clean antecedent.

5. Learned A.P.P. for the State and learned counsel for Opposite Party No. 2 have vehemently opposed the prayer for grant of anticipatory bail.

6. Considering the aforesaid facts and circumstances, nature of dispute and clean antecedents of the petitioner, the



prayer for grant of anticipatory bail to the petitioner is allowed.

7. Accordingly, in the event of arrest/surrender within a period of six weeks from today, let the above named petitioner be enlarged on bail on furnishing bail-bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned J.M. 1st Class, Jehanabad, in connection with Complaint Case No.597 of 2022, subject to condition as laid down under Section 438(2) of the Code of Criminal Procedure.

(Prabhat Kumar Singh, J)

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