

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.84539 of 2023

Arising Out of PS. Case No.-606 Year-2019 Thana- JEHANABAD COMPLAINT CASE
District- Jehanabad

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Arun Kumar, Male, aged about 47 years, S/O Krishna Nandan Prasad R/O
Village- Lakhawar, Near Pokhara, P.S.- Ghoshi, Near Pokhara, Jehanabad,
Dist.- Jehanabad

... .. Petitioner/s

Versus

1. The State of Bihar
2. Rajeev Kumar Son Of Brahmdeo Singh R/O Shriram Transport Finance
Company Ltd., 1st Floor Above Punjab National Bank, Opp. Reliance Petrol
Pump, Kanodi, P.S.- Jehanabad, Dist.- Jehanabad

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ram Babu, Advocate
For O.P. No. 2 : Ms. Renu Kumari, Advocate
For the Opposite Party/s : Mr. Binod Kumar, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

3 19-03-2024 Heard Mr. Ram Babu, learned counsel appearing on
behalf of the petitioner; Ms. Renu Kumar, learned counsel
appearing on behalf of the opposite party no. 2 and Mr. Binod
Kumar, learned APP for the State.

2. The petitioner seeks pre-arrest bail in connection
with Complaint Case No. 606 of 2019, registered for the offence
punishable under Sections 405, 406, 415, 420, 120(b) and 34 of
the Indian Penal Code.



3. As per the allegation made in the FIR, for not making payment of installments with respect to the vehicle taken on loan. As per the loan cum hypothecation agreement, the petitioner was required to return the said loan amount in 44 monthly installments.

4. Learned counsel appearing on behalf of the petitioner submitted that petitioner is innocent and have falsely been implicated in the present case. He further submitted that the petitioner is not in a position to return the money but he is ready to hand over the vehicle to the finance company forthwith. Petitioner has clean antecedent. On these grounds, petitioner seeks to be released on pre-arrest bail.

5. Learned counsel appearing on behalf of the opposite party no. 2 submitted that the petitioner has not only violated the terms and conditions of the hpothecation agreement, at the same time, after default and several notices issued to him, he had not returned the vehicle, which led to the filing of the present FIR. Due to the illegal act of the petitioner, the due price of the vehicle has depreciated, which has put the company at financial loss.

6. Learned APP for the State vehemently opposed the prayer for grant of pre-arrest bail.



7. Having considered the rival submissions made on behalf of the parties, as well as, the fact that the petitioner has intentionally not returned the vehicle to the finance company after having deposited only one installment. The vehicle was handed over to the petitioner in the year 2018 and in due course it has lost its financial value. Upon considering depreciated value of the vehicle from the date it was purchased and value as on date duly submitted by the competent valuer is submitted by the opposite party no. 2 before the learned District Court and the petitioner deposits the 80 percent of the amount of the initial price within a period of eight weeks and returns the vehicle forthwith, the petitioner shall be released provisionally on such terms and conditions, in the event of his/her arrest or surrender before the Court below within a period of eight weeks from today, on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Jehanabad, in connection with Complaint Case No. 606 of 2019, subject to the condition as laid down under Section 438(2) of the Cr.P.C.

8. Thereafter, parties may take effort to settle their dispute finally within a further period of three months by arriving at an amicable settlement and file their respective



affidavit in that regard before the learned District Court within the said period, then in that case, the petitioner is found to have complied with terms and conditions of the settlement, the provisional bail granted to the petitioner shall be made absolute on such terms and conditions as fixed by the District Court.

9. In the case of failure to abide by the above terms and conditions mentioned in, this order, this order shall automatically lose its force.

10. **The Court below is directed to verify the criminal antecedent of the petitioner as stated in paragraph no. 3 of the bail application. If any other case is pending against the petitioner as what has been stated in paragraph no. 3, this order will lose its force automatically.**

11. Accordingly, the present bail application is disposed of.

(Purnendu Singh, J)

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