

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58 of 2024

Arising Out of PS. Case No.-14 Year-2023 Thana- BARAHAT District- Banka

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Rahul Kumar Yadav @ Rahul Kumar S/O NARAYAN YADAV VILLAGE-
CHARHI, PS. CHARHI HAZARIBAG, DIST. JHARKHAND.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Braj Bhushan Poddar, Advocate

For the Opposite Party/s : Mr. Rana Randhir Singh, APP

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 29-01-2024 Heard the parties.

2. The petitioner is apprehending his arrest in connection with Barahat P.S. Case No. 14 of 2023 for the offence under sections 420, 406, 34 of the I.P.C. lodged on 20.01.2023 by the informant, Suraj Kumar Sah.

3. As per the prosecution story, the informant has alleged that he had purchased a Hywa truck on loan from Tata Motors Global Company. As installment was not paid in time, his staff Sandeep Anand alongwith this petitioner took away the truck on the false promise that they will be making agreement for it, but the truck was never returned which led to lodging of the FIR.

4. Learned counsel for the petitioner submits that as he had failed to pay the installment, the truck may have been



taken by Sandeep Anand to the Compnay, he has no role to play in the matter.

5. Learned APP opposes the prayer stating that in the FIR, it has been specifically alleged that both Sandeep Anand and the petitioner ensured that the truck is taken away from the informant and whereafter, the informant has no knowledge about the truck.

6. There is nothing on record to show that the truck has been taken by the Tata Motors and in that background, the role of Sandeep Anand and this petitioner cannot be overlooked. Even in laze, the informant was unable to pay the installment, the accuseds cannot take it away without following the due procedure of law.

7. No case for anticipatory bail is made out, which is accordingly rejected.

(Rajiv Roy, J)

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