

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20410 of 2025

Arising Out of PS. Case No.-754 Year-2022 Thana- COMPLAINT CASE - BIKRAMGANJ
District- Rohtas

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Dharmendra Ram S/o- Sacharu Ram, Resident of Village-Alay, P.S.- Chand,
Distt.- Kaimur at Bhabua

... .. Petitioner/s

Versus

1. The State of Bihar
2. Surendra Kumar Bharti S/o- Late Fulwari Singh, Village- Panditpura Ps-
Dinara Bhanas OP Dist- Rohtas

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Pawan Kumar Singh, Advocate
For the State : Dr. Indivar Kumari, APP

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CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

2 23-04-2025 Heard Ld. counsel for the petitioner and Ld. APP for
the State.

2. The petitioner seeks bail, apprehending his arrest,
in connection with Complaint Case No. 754 of 2022 dated
19.11.2022, filed for the offences punishable under Sections 406
and 420 of the Indian Penal Code.

3. As per complaint, complainant has purchased one
Pick-up van bearing Registration No. UP-67AT-0105 on loan
and loan was not completely paid. However, he sold the vehicle
to one Dharmendra Ram with getting consideration amount of
Rs.1,65,000/- at present and it was settled between the
complainant and Dharmendra Ram that rest installment of loan
would be paid by him with assurance of the co-accused Akshay
Kumar that in case Dharmendra Ram does not pay the

installments, he will pay the same. However, as per further allegation, neither of them is paying installments and ultimately, the vehicle was seized by the finance company.

4. Ld. counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case. He further submits that petitioner has purchased the vehicle after paying Rs.1,65,000/- and he was to pay the rest loan installments and for the purpose of paying the installments, he was regularly paying the money to the complainant to pay it to the finance company, but despite such payment by the petitioner to the complainant, he was not paying the same to the finance company. Hence, the complainant has himself defaulted and thereafter, petitioner had even returned the vehicle to the complainant, once he came to know that the complainant was not paying the installments despite making payment by him to the complainant. He also submits that the alleged facts and circumstances constitute a dispute civil nature.

5. It is also stated in paragraph no. 2 of the bail petition that the petitioner has not moved this Court earlier either for anticipatory bail or regular one in the instant case.

6. It has further been stated in paragraph no.3 of the bail petition that the petitioner has no criminal antecedent.

7. However, Ld. APP for the State vehemently opposes the prayer of the Petitioner for bail.

8. Considering the aforesaid facts and circumstances, **this petition is allowed**, directing the petitioner, above-named, to be enlarged on bail, in the event of his arrest or surrender before the court below within a period of eight weeks from the date of receipt / production of a copy of this order, on his furnishing bail bonds in the sum of Rs.10,000 /- (Ten Thousand) with two sureties of the like amount each to the satisfaction of concerned Court below, in connection with Complaint Case No. 754 of 2022, subject to the conditions as laid down under Section 438 (2) Cr.P.C. and on the following conditions:

(i) In case, it is brought to the notice of the court below that the petitioner has any criminal antecedents, Ld. court below shall cancel the bail bonds of the petitioner after hearing him and getting satisfied that the petitioner has concealed his criminal antecedents despite his knowledge of the same.

(ii) In case, it is brought to the notice of the court below that statement regarding previous bail petition is wrong, Ld. court below shall cancel the bail bonds of the petitioner.

(Jitendra Kumar, J.)

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