

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.79470 of 2024

Arising Out of PS. Case No.-339 Year-2024 Thana- MUFFASIL District- West Champaran

Saheb Mian @ Mustakim Mian S/O Late Jokhu Mian Resident of Vill- Hat
Saraiya, P.S.- Bairiya, Dist- West Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sanjeev Kumar

For the Opposite Party/s : Mr.Shailendra Kumar Singh

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

- 4 24-01-2025 1. Heard learned Counsel for the petitioner and learned Additional Public Prosecutor for the State.
2. The petitioner seeks regular bail in connection with Bettiah Mufassil Police Station Case No. 339 of 2024, dated 15.06.2024, registered for the offences punishable under Sections 364/506 of the Indian Penal Code.
3. The prosecution case, as per the First Information Report, is that the son of the informant was kidnapped by co-accused Ramprit Kumar Yadav and other accused persons.
4. Learned Counsel for the petitioner submits that no occurrence has taken place in the manner alleged and the petitioner has falsely been implicated in this case on the basis of false and fabricated story due to dispute



regarding purchase of Tata Truck in question. The victim had executed a sale letter on 04.03.2020 for sale of the Truck in question in favour of co-accused Ramprit Kumar Yadav after receipt of Rs. 8 Lakh as the consideration amount. At the time of sale of the truck in favour of co-accused Ramprit Kumar Yadav, it was agreed that the installment amount towards the loan of the truck shall be paid by the owner of the truck i.e. the victim. The victim failed to pay the installment amount to the finance company and accordingly, the finance company seized the truck in question, for which a complaint case was filed by co-accused Ramprit Kumar Yadav, bearing Complaint Case No. 814 of 2021 against the informant's son (victim), in which cognizance was taken by the learned Magistrate on 20.07.2022 under Section 420 of the Indian Penal Code. Subsequently, both the parties arrived at a settlement that the truck will be plied by the victim and E.M.I. of the finance company shall also be paid by the victim. This time again, the victim defaulted in payment, for which co-accused Ramprit Kumar Yadav lodged Tikapatti P.S. Case No. 95 of 2024, under Sections 406/420 of the Indian Penal Code. After lodging of First



Information Report by co-accused Ramprit Kumar Yadav, against the victim, the present First Information Report has been lodged by the father of the victim on the basis of a concocted story. The petitioner is not named in the First Information Report and he has been made accused on the basis of subsequent statement of the victim. He further submits that similarly situated co-accused, Khushbuddin @ Golu and co-accused Ramprit Kumar Yadav have been granted anticipatory bail by this Court, vide order, dated 12.12.2024, passed in Criminal Misc. No. 81381 of 2024. He next submits that petitioner is in custody since 11.09.2024, and charge sheet has been submitted against him and as such, there is no likelihood that the petitioner will abscond and/or tamper with the evidence.

5. Regard being had to the submission made by the parties, taking into consideration the nature of allegation, the sale purchase affidavit between the parties, similarly situated co-accused persons have been granted anticipatory bail by this court and the petitioner is in custody since 11.09.2024, I am inclined to grant bail to the petitioner.
6. This application is, accordingly, allowed.
7. Let the petitioner, above named, be released 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 Chief Judicial Magistrate, West Champaran, at Bettiah, in connection with Bettiah Mufassil Police Station Case No. 339 of 2024.

(Anil Kumar Sinha, J.)

Prabhakar Anand/-

U	√	T	√
---	---	---	---

