

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.87978 of 2024

Arising Out of PS. Case No.-5 Year-2020 Thana- SAHAJITPUR District- Saran

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Himanshu Kumar S/O Shri Chitranjan Kumar Resident of Postal Park,
Bengali Tola, P.S- Jakkanpur, District- Patna.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Amit Srivastava S/O Pradeep Kumar Srivastava R/O Village- Chhapia, P.S-
Sahajitpur, Dist.- Saran.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Akanksha Malviya

For the Opposite Party/s : Mr. Chandra Bhushan Prasad

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 08-01-2025 1. Heard learned counsel for the petitioner and
learned A.P.P. for the State, Mr. Chandra Bhushan Prasad.

2. The petitioner apprehends his arrest in a case
registered for the offences punishable under Sections 406, 420,
467, 468, 471 and 34 of the Indian Penal Code.

3. Learned counsel for the petitioner submits that
petitioner is a person with clean antecedent and the informant
alleges that Rajan Lal Srivastava is his close friend, further
Rajan on 14.06.2019 came at the house of the informant along
with the accused persons including the petitioner and introduced
Bhagirath Giri as a dealer of tractor and rest three accused were
introduced as officers of different finance company, further



Rajan disclosed that he has purchased a tractor from Bhagirath Giri on easy installment and the informant believed Rajan and got ready to purchase a tractor for which he was made to sign on several documents and the informant also submitted photo copy of his *Aadhaar* card, PAN Card, 10 passport size photographs along with 11 post dated cheques apart from Rs. 1,82,000/- in cash, it is further alleged that the informant inquired from Bhagirath that as to why he is being made to sign so many documents, on which he was informed that the tractor can be financed by any of the finance company, it is further alleged that after some time the tractor was delivered to the informant along with insurance paper which carried the Chassis number and engine number, further the informant after purchasing the tractor asked Bhagirath Giri to return the rest of the documents which were not used, on which Bhagirath Giri disclosed that the documents have been misplaced, later informant received a phone call in October from Hinduja Finance Company and the caller disclosed that the installment of the purchased tractor is not being paid, hence, the tractor would be seized, on which the informant started inquiring when he came to know that the tractor which he had purchased from Bhagirath Giri through finance provided by L & T Finance has been financed by other



finance companies also including the company of the petitioner, thus, alleges that Bhagirath using his document submitted for purchasing the tractor has misused the same in connivance with the accused persons and got the same tractor financed by different finance companies.

4. Learned counsel for the petitioner submits that petitioner has been falsely implicated in the instant case by the informant. It is next submitted that from perusal of the FIR, it would manifest that the name of the employee of other two finance companies is not recorded, but then the name of the petitioner is recorded in the FIR. It is next submitted that petitioner is presently the Area Sales Manager of TVS Credit Services Limited and when the petitioner came to know about the said fraudulent transaction, he instituted an FIR being Hajipur Sadar P.S. Case No. 739 of 2019 in which Bhagirath along with the instant informant and others were made accused. It is next submitted that since the aforesaid FIR came to be instituted by the petitioner, as such, the informant instituted the instant case by roping the petitioner as an accused by name, it is further submitted that in the FIR it is alleged that it was Rajan Lal Srivastava who had introduced the informant with the accused persons, but then Rajan Lal Srivastava is neither made



an accused nor a witness as Rajan Lal Srivastava would have been the person competent to identify whether petitioner was present at the place of occurrence or not when Bhagirath along with Rajan and others had come. It is further submitted that petitioner will not abscond rather will co-operate in the investigation to prove his innocence.

5. Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioner.

6. Considering the submissions made by the learned counsel for the petitioner, the petitioner above-named, in the event of his arrest or surrender before the learned trial court within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned trial court where the case is pending/successor court in connection with Sahajitpur P.S. Case No. 05 of 2020 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

7. However, it is made clear that in the event if the Investigating Officer of the case files an application before the learned Trial Court bringing to its notice that petitioner despite giving assurance to this Court is not co-operating in the



investigation, in that event the learned Trial Court shall be at liberty to forthwith cancel the bail bonds of the petitioner.

8. Accordingly, the instant anticipatory bail application is allowed.

(Satyavrat Verma, J)

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