

In the Court of Additional Sessions Judge-I, Danapur

(Present:- Sri Kumar Gunjan, Addl. Sessions Judge- I, Danapur)

A.B.P. No. 748 of 2026

(Arising out of Danapur P.S. Case No. 468 of 2013)

Vikash Kumar Singh, son of Umeshwar Prasad Singh, Director of Astha Motor (A unit of Kumar Distributor Pvt. Ltd) at Saguna More, Bailey Road, P.S.- Danapur, Distt.- Patna
..... Petitioner

Versus.

The State of Bihar.

..... Opp.Party

Learned counsel for the petitioner :- Sri Dheeraj Kumar Roy, (Advocate)
Learned counsel for the informant :- Sri Dharmnath Prasad Yadav, (Advocate)
Learned counsel for the State :- Sri Ramkeshwar Prasad (A.P.P.)

Order.

18-07-2026 This Anticipatory Bail petition has been filed on behalf of the above-named petitioner, who is apprehending his arrest in connection with Danapur P.S. Case No. 468 of 2013, registered under Sections 419, 420, 467, 468, 120B, 471 of I.P.C., pending in the Court of Miss Agrima Sharma, learned J.M.- Ist Class, Danapur.

Heard the learned counsels for the parties.

Apart from pleading innocence, false implication, clean antecedent and this to be the first bail petition of the petitioner before any Court, learned counsel for the petitioner raised his arguments on the following points to establish his defence:-

1. That the police had initially submitted final form on the basis of mistake of facts in this case but the learned Magistrate has taken cognizance after which summons were issued against the petitioner but neither the summons nor any process was served upon him.

2. That the record of the RTO office (photocopy of registration document attached) goes to show that the petitioner Dharmnath Prasad Yadav is the first owner of the vehicle in question and therefore, the question of a old or second hand car being sold to him by the petitioner is totally incorrect and false.

3. That it is a general practice that cars are booked in advance by people in their name and when they do not purchase it is sold to other persons. In this case also same thing has happened as the car was originally booked in the name of one Manoj Kumar and when he did not purchase it then the same new car was sold to the complainant Dharmnath Prasad Yadav but the name of said Manoj Kumar was not changed in the original record of Tata Motors so no cheating or forgery has been committed by the petitioner against the complainant.

4. That the judgment of the District Consumer Court is an Ex-parte judgment against which the petitioner has taken legal recourse.

In the light of these submissions, learned counsel prayed for grant of anticipatory bail to the petitioner.

Learned APP is present. The petitioner, being an advocate himself, present his arguments with a consent of learned A.P.P. Vehemently opposing the prayer of the petitioner, it is submitted that this is the classic case of cheating and forgery wherein a second hand car has been sold to the complainant by the petitioner by fraudulently misrepresnting it to be a first hand car. Learned counsel has pointed out to certain documents i.e. the photocopy of the money receipt, photocopy of the registration document, photocopy of delivery challan, photocopy of Pre-Job Card dated 23-04-2014,

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photocopy of the legal notice and reply given by Tata Motors and submitted that in the money receipt the date of sale of vehicle is shown as 23-01-2012, registration date of the vehicle as per the registration document is 23-03-2012 in the name of the petitioner whereas as per the pre job card dated 23-04-2013, the vehicle in question is shown to have sold by the petitioners on 25-01-2013. These facts have also been admitted in para 5 of the written statement of Tata Motors Limited filed in consumer complaint No. 41 of 2014, before the Consumer Disputes Redressal Forum, Patna, wherein the Tata Motors has admitted that the said car was billed in the name of the complainant on 25-01-2013, which is the actual date of purchasing of the vehicle. In the light of these facts, learned counsel has emphasized that nothing more is require to prove that the petitioner has forged the documents and fraudulently induced him to purchase a second hand car for Rs. 1,70,500/- only. It has also been submitted that the petitioner has been running away from trial for more than ten years and has also evaded to abide by judgment of the District Consumer Forum. Finally, it has been prayed to reject the Anticipatory Bail Petition.

After hearing the parties, I perused the record. Allegation against the petitioner is that he has sold a second hand car to the complainant on 23-01-2012, by misrepresenting it to be first hand new car but when the complainant went for service in an authorised service centre of Tata Motors, he got to know through the pre job card that this car was earlier sold to one Manoj Kumar and in this manner the petitioner has forged the sale letter and cheated him by selling a second hand car. Admittedly, the date of the sale as per the money receipt issued by the petitioner is 23-01-2012, but as per the pre job card the said car has been sold on 25-01-2013. This fact has been also admitted by the Tata Motors in its reply filed in consumer complaint No. 41 of 2014, before the Consumer Disputes Redressal Forum, Patna, wherein the Tata Motors has admitted that the said car was billed in the name of the complainant on 25-01-2013, which is the actual date of purchasing of the vehicle. Apart from this fact the petitioner has not appeared in the trial for about ten years as the cognizance was taken against him under Section 419, 420, 467, 468, 471 and 120B of I.P.C. on 23-08-2016 itself. District Consumer Forum has also found the petitioner liable in its judgment. This case was also sent for mediation at Mediation Centre but the petitioner remained absent on the first two dates before the mediator and on the third date he appeared but on that day itself the mediation has failed due to non co-operative and rigid approach taken by the petitioner.

In the light of these discussions, I am not inclined to grant the privilege of Anticipatory Bail to this petitioner. Accordingly, the anticipatory bail petition of the petitioner **Vikash Kumar Singh**, is hereby **rejected**.

Let a copy of this order be sent to the concerned Court for information and needful.

(Dictated)

Sd./-

(Kumar Gunjan)

Addl. Sessions Judge-I, Danapur.