

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71238 of 2022

Arising Out of PS. Case No.-142 Year-2018 Thana- TEGHRHA District- Begusarai

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1. Sushil Kumar Son Of Late Braj Bhushan Singh R/O Vill. And P.S.- Madhuban, Distt.- East Champaran
 2. Abhijeet Bhattacharya Son Of Late Ranjeet Bhattacharya R/O Hansraj Apartment, Road No. 11 West Patel Nagar, P.S.- Shastrinagar, Distt.- Patna
 3. Prashant Kumar Mishra Son Of Brajeshwar Mishra R/O Vill.- Tuk Telpa, P.S.- Banshi, Distt.- Arwal

... .. Petitioner/S

Versus

1. The State Of Bihar
2. Amit Kumar Kalothiya Son Of Late Bajrang Lal Kalothiya R/O Main Road, Teghra Bazar (Near Gol Ghar Teghra), P.S.- Teghra, Distt.- Begusarai

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Patanjali Rishi, Adv.

For the Opposite Party/s : Mr. Ram Naresh Ray, APP

CORAM: HONOURABLE MR. JUSTICE ANSUL

ORAL JUDGMENT

Date : 15-06-2026

Heard learned counsel for the petitioners and learned APP
for the State.

2. The postal notice has been received by the informant
i.e. O.P. No. 2 on 15-06-2026 personally, but there is no
appearance on his behalf.

3. The present application has been filed by the
petitioners for quashing of the order of cognizance dated
11.01.2021 passed by the learned Chief Judicial Magistrate,
Begusarai in Teghra P.S. Case No. 142 of 2018 whereby and
whereunder the learned court has taken cognizance against the



petitioners for offences punishable under Sections 406, 420, 120 B of the Indian Penal Code.

4. The prosecution allegation is that the informant purchased a truck bearing registration no. BR-01-GB-3449 from Sunil Singh and got vehicle transferred in his name. On 30.01.2018 the Senior Branch Manager of Shriram Company, Abhijeet Bhattacharya, Regional Collection Head, Sushil Kumar and Prashant Kumar repossessed the vehicle and stated that they were on behalf of Shriram Company, Aurangabad. The informant alleges that the vehicle has been taken away in a fraudulent and forceful manner.

5. Counsel for the petitioner states that the vehicle was hypothecated to Sunil Kumar by loan-cum-hypothecation agreement dated 15.02.2017 for Rs. 7,50,000/-. Sunil Kumar defaulted for which he was served notices. Sunil Kumar sold the vehicle to the informant without discharging the loan. The opposite party no. 2 purchased the vehicle without conducting the necessary due diligence. When no payment was made after service of notice the vehicle was repossessed.

6. Counsel for the petitioner further states that Shriram Transport Finance Company Limited repossessed the vehicle as the loan had not been repaid and ownership of the vehicle



remained with the company till full repayment.

7. Counsel for the petitioner states that in terms of the judgment rendered by the Hon'ble Supreme Court in the case of ***Anup Sarmah v. Bhola Nath Sharma*** reported in ***(2013) 1 SCC 400***, the right of finance company to repossess the vehicle in case of default in payment of loan has been upheld.

8. The petitioners are Branch Manager Balia, Regional Business Head, Begusarai region and Branch Manager, Begusarai respectively working with Shriram Transport Finance Company Limited.

9. Perused the records. The facts are crystal clear that the vehicle was owned by Sunil Kumar and he sold the same to the informant. The vehicle was under hypothecation agreement with the company of the petitioners. On default of payment of loan they repossessed the vehicle. No criminality at all could be attached to the act in such circumstances. Thus, no prima facie case is being made out and the case is fully covered by the judgment rendered by the Hon'ble Supreme Court in the case of ***State Of Haryana and Ors vs Bhajan Lal and Ors.*** reported in ***AIR 1992 SC 604.***

10. In view of the aforesaid facts and circumstances, order of cognizance dated 11.01.2021 passed by the learned



Chief Judicial Magistrate, Begusarai in Teghra P.S. Case No.
142 of 2018 is hereby quashed.

11. Accordingly, the application stands allowed.

(Ansul, J)

Siddharth Soni/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	16.06.2026
Transmission Date	16.06.2026

