

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.26032 of 2015

Arising Out of PS.Case No. -157 Year- 2015 Thana -BARAUNI District- BEGUSARAI

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Maniranjana Sinha @ Suryamani Kumar Sinha @ Manoranjana Sinha @
Suryamani Sinha S/O Late Ayodhya Prasad, permanent resident of Village -
Baghi, P.O. + P.S. + District -Begusarai, present address at 53, Gali No. 10
WZ Block Virendra Nagar, P.S.- Janakpuri, Delhi - 110 058.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner : Mr. N.K. Agrawal, Sr. Advocate
Mr. Ranjan Kumar, Advocate

For the Opposite Party : Mr. Lallan Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 11-06-2015 Heard learned senior counsel for the petitioner and
learned APP for the State.

The petitioner seeks bail in connection with Barauni Refinery P.S. Case No.157 of 2015 for the offences punishable under Sections 420, 486, 487, 488, 467, 468 and 120B of the Indian Penal Code, Sections 103/104/106 of the Trade Mark Act and Section 78/79 of the Trade & Mercantile Act, 1958 and Sections 13(18) (a) (i) of the Miscellaneous Offence Act, 1960.

The prosecution story, in brief, is that on 03.05.2015 at about 12.00 hours, the informant, S.I. Refinery O.P., with armed police forces, on the confidential order of the senior officers, raided the premises of M/s Kumar Cement Company, Industrial Area, Deona, Barauni and found that in this factory damaged



cement, expired cement of different companies as well as full stone cement are being crushed by Crushing Machine and after filling it in his Company's bag i.e. KCC Ultra Strong does business. He informed to the higher officers and the S.D.O., Sadar and S.D.P.O., Sadar also reached there and during inspection, it was found that the proprietors of the Company are Anil Kumar Sinha, Sunil Kumar Sinha, Munil Kumar Sinha, Punil Kumar Sinha, and Manoranjan Sinha alias Surajmani Sinha, who make cement marked as KCC Ultra Strong and KCC Ultra Strong Premium and sell it. The staff of the factory, Bipin Jha, was asked during videography and he replied that mainly the business of cement is governed by Pranab Sinha and further he told that there is no Chemical Expert. He also told that on the direction of Pranab Sinha, the expired and damaged cements are crushed, make powered and after filling in the bags of KCC Ultra Strong bags supply in the whole Bihar. The informant has further alleged that the proprietor of the Company used to bring the damaged and full stone cements from the companies, such as KCC, Ultratek, Lafarz, Birla and other renowned companies through his another firms, namely, Sri Asdhi Vinayak Enterprises and Jai Mata Di. The informant also stated that in the office of the Company, he also found files of Asdhi Vinayak Enterprises and Jai Mata Di



and from its perusal, it was found that through quotation, the petitioner's company purchased the damaged and full stone cement from the renowned companies of India on the pretext of land filling and used the same in preparation of the cement, sold the cement to the general public and cheated. The police also seized different files of the Company. In course of raid, the police also found licence and licensed bags of damaged and full stone cement of the different companies. The informant also found thousands bags of damaged and full stone cement of different companies, hundred stones of open stone cement, hundred bags of duplicated prepared cement, grinding machine of cement, one truck bearing Registration No.. BR-01GB-7040 loaded with damaged cement in the premises of the Company. Accordingly, photography and videography was done and sample of the same was seized. The informant also seized the files of Asdhi Vinayak Enterprises and Jai Mata Di Enterprises through which the Company used to bring damaged and full stone cement through quotation from the renowned companies of India. The informant also stated that the petitioner in collusion with each other by using fake, forged, fabricated documents, mixed duplicate cements from damaged and full stone and supplied the same in the market through their suppliers and cheated the consumers.



It has been submitted on behalf of the petitioner that the petitioner is one of the partners in M/s Kumar Cement Company at Begusarai. It has further been submitted that under the mistake of fact, the present case was instituted alleging therein that instead of making cement inside the factory, stone crusher was being used and hence, the present case was instituted. It has further been submitted that lime stones are crushed for the purpose of making cement. It has further been submitted that against the said act of the informant, the Managing Partner of the Company had preferred a criminal writ application before this Court and the same was numbered as Cr.W.J.C. No.528 of 2015 and, vide order dated 04.06.2015, the Court had directed that until further orders no coercive step would be taken against the said Managing Partner. It has further been submitted that the Company is a registered Company by the State Government and it is only due to mistake of facts, this case has been instituted.

On behalf of the State it has been submitted that the petitioner is named in the first information report.

Considering the fact that there is no specific allegation of any fraud being made or wrongful loss and gain being made against the petitioner, let the petitioner, above named, be released on 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 Chief Judicial Magistrate, Begusarai in connection with Barauni Refinery P.S. Case No.157 of 2015.

(Sudhir Singh, J)

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