

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.36097 of 2015**

Arising Out of PS.Case No. -4 Year- 2015 Thana -PIRBAHOR District- PATNA

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Amit Kumar @ Amit Keshari Son of Late Prem Kumari Keshari Resident  
of village - C/o Ajay Kumar, Chandpur Bela, Near Jay Mata Di Community  
Hall, P.S. Jakkanpur, District - Patna

.... .... Petitioner

Versus

The State of Bihar

.... .... Opposite Party

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**Appearance :**

For the Petitioner : Mr. Manoj Kumar, Advocate.

For the Opposite Party : Mr. Suresh Pd.Singh(App)

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**CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA**  
**ORAL ORDER**

4      09-11-2015      Heard both sides.

The petitioner apprehends his arrest in a case registered  
for the offences punishable under Sections 406 and 420 of the  
Indian Penal Code.

The petitioner was appointed by the company to sell the  
goods in the market. The petitioner sold the goods and collected  
money from the shopkeepers, but the petitioner stopped selling the  
products of the company. It is alleged that the petitioner  
misappropriated Rs. 4,75,000/-.

It is submitted that the petitioner did not commit any  
criminal breach of trust or cheated anybody. He used to sell the  
products of the company to different shopkeepers, but he did not  
collect money nor handed over the same to the company. The

company is at liberty to collect money from the shopkeepers. The opposite party no. 2 was also noticed, but he has not stated that how much amount the petitioner collected from the shopkeepers nor he enquired from the shopkeepers about the money given by the shopkeepers.

Considering the facts aforesaid and the fact that the petitioner was only a selling agent, but there is nothing to show that the petitioner collected money from the different shopkeepers and kept the same with him, the petitioner, above named, in the event of his arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, is directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate Ist Class, Patna in Pirbahor P.S. Case No. 04 of 2015, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

**(Prabhat Kumar Jha, J.)**

KKSINHA/-

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