

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.4234 of 2019

Arising Out of PS. Case No.-666 Year-2018 Thana- PURNEA SADAR District- Purnia

Sachin Kumar Kaushik, S/o Om Prakash Kaushik N.H .-31 By Pass Road 0
Mile Gulab Beg, Police Station- Sadar, District- Purnea, Bihar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sanjeet Kumar

For the Opposite Party/s : Mr. Umanath Mishra

CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH
ORAL ORDER

2 01-02-2019 Heard learned counsel for the petitioner, learned
counsel for the State and learned counsel for the informant.

The petitioner seeks pre-arrest bail in connection with
Purnea Sadar P.S.Case No. 666 of 2018 registered under
Sections 409, 420, 467, 468 & 471 of the Indian Penal Code.

It is submitted by the learned counsel for the
petitioner that a pure civil dispute between the parties has been
given a colour of criminal case. He contended that the petitioner
is proprietor of M/s Sidhi Construction. He had entered into an
agreement with M/s Bangur Cement (Shree Cement Ltd.) on
10.02.2017. As per agreement, he was made handling agent-
cum-business partner of M/s Bangur cement (Shree Cement
Ltd.) for the depots at Purnea and Katihar. The allegation that
18884 bags of cement from godown of Purnea and 1604 bags of



cement from the godown of Katihar was found short is not correct. The petitioner used to supply cement bags to various stockists and dealers and deposit the sale proceeds in the account of the company Shree Cement Ltd. Since there was some trouble in the eyes of the daughter of the petitioner for which surgical intervention was required, he could not focus much on the business of the company as a result of which the target fixed by the company could not be achieved and because of that a malicious prosecution has been launched and some amount has also been held up in the market due to non payment by the stockists.

Per contra, learned counsel appearing for the State and the informant submitted that in course of verification by the officers of Shree Cement Ltd. 1024.40 tones of cement contained in more than 2000 bags were found missing from the godown of Purnea and Katihar. The value of those bags was worth Rs. 1,16,52,396/-. It is the petitioner, who is responsible for the defalcation of huge amount of the company.

I have heard learned counsel for the parties and perused the record.

It is not disputed that the petitioner was appointed handling agent of the company. It also appears that the business



was transacted between the parties since February, 2017. The dispute arose in course of business and the FIR has been instituted on 16.11.2018. There is no allegation that right from the beginning the petitioner had any intention to cheat.

Considering the totality of the circumstances, in the event of arrest or surrender before the court below, the petitioner is directed to be released on bail on furnishing bail bond of Rs.10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Purnia, in connection with Purnea Sadar P.S.Case No. 666 of 2018 subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Ashwani Kumar Singh, J)

pradeep/sneha

U		T	
---	--	---	--

