

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 54138 of 2019

Arising Out of PS Case No.-213 Year-2019 Thana- KUDRA District- Kaimur (Bhabua)

1. Amit Kumar Singh, aged about 26 years, Male, Son of Govind Singh Resident of Village- Dihara, P.S.- Kudra, District- Kaimur (Bhabua).
2. Ashutosh Singh @ Ashutosh Kumar Singh, aged about 28 years, Male, Son of Bajrangi Singh, Resident of Village- Sahjour, P.S.- Mughalsarai, District- Chandauli (Uttar Pradesh).

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Rajesh Kumar Singh, Mr. Rana Pratap Singh and Mr. Manish Kumar Singh, Advocates
For the State	:	Mr. Ahmad Ali, APP
For the Informant	:	Mr. P. K. Shahi, Sr. Advocate Mr. Murari Prasad Sinha, Advocate

**CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN
AMANULLAH**

ORAL JUDGMENT

Date : 20-11-2019

Heard learned counsel for the petitioners; learned APP for the State and learned counsel for the informant, who has *suo motu* appeared.

2. The petitioners have moved the Court seeking pre-arrest bail in connection with Kudra PS Case No. 213 of 2019 dated 06.07.2019 instituted under Sections 406, 409 and 420/34 of the Indian Penal Code.

3. The allegation against the petitioners is that they were employees in the factory of the informant and had taken money



from the market and the goods were supplied but the money was not deposited in the coffers of the Company.

4. Learned counsel for the petitioners submitted that the allegation is totally general and vague in nature without giving any details as to who had given money to the petitioners and what supply was given to them by the Company. It was further submitted that in any view of the matter, the dispute can only be gone into by the civil Court upon examination of witnesses with regard to what money was given to the petitioners by which dealer and what amount of material was supplied to those dealers. It was further submitted that even the police has recorded the statement of the dealers who have categorically stated that they had not made any payment to the petitioners.

5. Learned APP and learned counsel for the informant submitted that the allegation against the petitioners is of defrauding the Company by taking huge money from the market in the name of the Company and the Company delivering the goods, but the money not being deposited in the coffers of the Company, is clearly a criminal offence.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest or surrender before the Court below within four



weeks from today, the petitioners be released on bail upon furnishing bail bonds of Rs. 25,000/- (Twenty Five thousand) each with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Kaimur at Bhabua in Kudra P.S. Case No. 213 of 2019, subject to the conditions laid down in Section 438(2) of the Code of Criminal Procedure, 1973.

7. The application stands disposed off.

(Ahsanuddin Amanullah, J.)

P. Kumar

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