

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.25980 of 2020**

Arising Out of PS. Case No.-80 Year-2019 Thana- INDUSTRIAL District- Bhagalpur

NARAYAN THAKUR Son of Arvind Thakur Resident of Village- Sukhsena,
Police Station- Purnea, District- Purnea.

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR
2. Laliteshwar Mishra (Senior Manager), Son of not known to the petitioner
Resident of Jagran Prakashan Ltd. Plot No.D/04, Large Industrial Area,
BIADA Campus, Post Office- Barari, Police Station- Industrial Area,
District- Bhagalpur.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Syed Masleh Uddin Ashraf
For the Opposite Party/s : Mr.Md. Iftekhhar Mahmood, APP

**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

2 15-10-2020 Learned counsel for the petitioner undertakes to remove

the defects, if any, within four weeks after start of normal functioning

of the Court.

Heard learned counsel for the petitioner and Mr. Md.
Iftekhhar Mahmood, learned A.P.P. for the State.

Learned counsel for the petitioner submits that since it is a

police case, no notice need be issued to the informant.

Petitioner in the present case is seeking pre-arrest bail in

connection with Industrial Area P.S. Case No.80 of 2019 registered

for the offence under Sections 406, 409 and 420/34 of the Indian

Penal Code.

Learned counsel for the petitioner has taken this court



through the allegations made in the First Information Report. According to the prosecution case there are some vendors/agents of the informant company who have filled up the agency form and submitted their identity card and they are engaged in the business with the organization. It is stated by the informant that the agents named in the F.I.R. are required to pay the bills of the company every month but the agents have not paid the bills every month in a proper way as a result whereof the outstanding amount of the organization has gone on increasing.

It is alleged that on many occasions the officers of the organization have given warning to the agents of company for payment of the outstanding amount and they have been told that in case of non-payment legal action will be taken but till date the agents have not paid the outstanding amount and now they are denying the payment. It is alleged, therefore, that it seems the agents have misappropriated the money of the informant with a bad intention and by cheating. This petitioner is one of the named agents in the F.I.R.

Learned counsel for the petitioner submits that it is evident from the F.I.R. itself that the petitioner is allegedly an agent engaged in business with the informant's organization and on account of business it is alleged that the petitioner was not paying his monthly bills in a proper way. Learned counsel submits that at first instance these are in the nature of completely vague statements, a matter of accounting and a purely civil dispute. According to him, the



present F.I.R. has been lodged by giving a purely civil dispute a colour of criminal nature. It is his submission that at best it may be a case of accounting dispute and if the petitioner is liable to pay any amount which the petitioner has admittedly denied as per the F.I.R. itself, it is open for the informant's organization to seek its remedy in accordance with law but in no case it can be said to be a case of criminal nature.

Learned A.P.P. for the State has though opposed the prayer for anticipatory bail of the petitioner saying that as per allegation this petitioner had to pay the monthly bills in a proper way but he did not pay the same properly.

Having regard to the facts and circumstances of this case and on going through the first information report having noticed the submissions of learned counsel for the petitioner and the allegation being that of non-payment of outstanding dues which are said to have remained unpaid and later on denied by the petitioner, and that the dispute is on account of a business relationship, this court is inclined to grant privilege of anticipatory bail to the petitioner.

Let the petitioner above-named in the event of his arrest or surrender within four weeks from today, be released on bail on furnishing of bail bonds of Rs. 25,000/- (Twenty Five Thousand only) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Bhagalpur in connection with Industrial Area P.S. Case No.80/2019, subject to the conditions as



laid down under Section 438 (2) of the Cr.P.C. i.e.

(i) a condition that the person shall make himself available for interrogation by a police officer as and when required;

(ii) a condition that the person shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer;

(iii) a condition that the person shall not leave India without the previous permission of the Court.

And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner.

(Rajeev Ranjan Prasad, J)

arvind/-

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

Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

