

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32946 of 2020

Arising Out of PS. Case No.-45 Year-2016 Thana- SIDHWALIYA District- Gopalganj
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DEO CHANDRA JHA S/o Late Rakshit Jha R/o village- Sukhi Semra, P.O.-
Jaitapur, P.S.- Palanwa, District- East Champaran

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner/s	:	Mr.Abhay Shankar Singh, Adv.
For the Opposite Party/s	:	Mr. Rajesh Kumar, APP
For the Informant	:	Mr. Ashish Giri, Adv.

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR

ORAL ORDER

2 22-02-2021 Heard Mr. Abhay Shankar Singh, learned counsel

for the petitioner and Mr. Ashish Giri, learned counsel for the

informant. The State is represented by Mr. Rajesh Kumar,

learned APP.

The petitioner seeks bail in anticipation of his

arrest in connection with Sidhwalia P.S. Case No. 45 of

2016, instituted for the offences under Sections 420, 406,

409, 467, 468 and 471 of the Indian Penal Code.

The petitioner at the relevant time was Sales

Manager in Bharat Sugar Mills at Sidhwalia, who was

responsible for overall management of each sugar godowns



and was to take care of raw materials right from the time of receiving sugar from the manufacturing department till its dispatch for commercial purposes. The accusation against him is of not having performed his duties in lawful manner. He was responsible for keeping the sugar stock in condition but on internal verification, the same was not found to have been done.

Mr. Singh, learned counsel for the petitioner has drawn the attention of this Court to the averments made in the First Information Report where the main accusation has been attributed to Mr. Bishnu Kumar Sureka, he has been notified in the F.I.R as the main accused of the case.

The subject F.I.R. has been lodged on instructions and authorization received from the Board of Directors of the Sugar Mill alleging that several acts of omission and commission including that of forgery, cheating and falsification of accounts was done by seven accused persons, six of them including the petitioner while working in the respective capacity under Mr. Bishnu Kumar Sureka. Nothing specific has been alleged in the First Information Report



except for reiterating that the respective officers of the Mill did not perform their duties and thereby have caused losses to the tune of several crores.

Mr. Singh has argued that since the accusation is totally / pointedly directed towards Bishnu Kumar Sureka and there is no specific accusation against the petitioner, he deserves to be enlarged on anticipatory bail. The losses are perhaps shown in the F.I.R. in order to avoid making payments to the farmers which is the sole responsibility of the Sugar Mill. The petitioner and others have been made scapegoats when the Sugar Mill did not perform fairly in the commercial market. He has further submitted that aforesaid Bishnu Kumar Sureka has been granted bail by a Bench of this Court vide order dated 16.06.2020 passed in Cr. Misc. No. 15997 of 2020.

As opposed to the aforesaid contentions, Mr. Giri, learned advocate for the respondent / Sugar Mill has submitted that the role of the petitioner has been specifically stated in the F.I.R. It would be absolutely wrong for the petitioner to contend, he argues, that no specific act of



omission or commission has been levelled against him. The accusation is complete when anyone of the accused person, with a definite mandate does not perform his duties thereby causes losses to the company. Apart from this, it has been submitted that aforesaid Bishnu Kumar Sureka has been granted bail only after he had remained in custody for about five months.

Learned counsel for the State has opposed the grant of bail on the ground that the lapses on the part of the petitioner as an employee of the Sugar Mill has resulted in the incurring of losses, which is a national loss.

This Court on going through the accusation levelled in the F.I.R. finds that except for alleging certain acts of omission and no specific act of commission, there is nothing else against the petitioner. True it is, if a company runs in losses and the management of the company is not satisfied with the performance of its employees, it calls for an internal audit. Nonetheless, depriving the liberty of a person on such accusation would not be fair, more so, when the main part of the allegation is attributed to the chief person in the Mill who



was overall responsible for every decision of the Mill and for it to become commercially viable in a competitive market.

Regard being had to the nature of accusation against the petitioner, he is directed to be released on bail, in the event of his arrest or surrender before the court below within a period of eight weeks from the date of receipt / production of a copy of this order, on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate -1st Class, Gopalganj, in connection with Sidhwalia P.S. Case No. 45 of 2016, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure

(Ashutosh Kumar, J)

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