

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.52627 of 2021

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

Prabhu Kumar Jha Son Of Sri Harikrishan Jha Resident Of Village- Dhengari,
P.S.- Sikati, District- Araria.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Amit Kumar Anand, Adv.
For the State	:	Mr. Bharat Lal, APP
For the Informant		Mr. Ramakant Sharma, Sr. Adv.
		Mr. Laxmikant Sharma, Adv.

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 09-05-2022 Heard learned counsel for the petitioner, informant
and learned Additional Public Prosecutor for the State.

Learned counsel for the petitioner undertakes to
remove the defects within three weeks. In the eventuality of
non-removal of defects within undertaken period, the office will
place the matter before the Bench.

The petitioner is apprehending his arrest in a case
registered for the offence punishable under Sections 406, 409,
420 and 34 of the Indian Penal Code.

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 FIR 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 FIR.

Learned counsel for the petitioner submits that it is evident from the FIR 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 FIR 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 FIR 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 APP 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 before the learned Court below within a period of six weeks from today, be enlarged on bail on furnishing bail bond of Rs.25,000/- (Rupees Twenty Five



Thousand) with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/successor court in connection with Industrial Area P.S. Case No. 80 of 2019, subject to the condition 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.

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(Anjani Kumar Sharan, J)

