

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.62825 of 2021

Arising Out of PS. Case No.-234 Year-2019 Thana- DARBHANGA District- Darbhanga

SANGEET KUMAR @ SANJEET KUMAR S/o- Ram Kishun Sah @
Sukhdeo Raj Kumar Resident of Vill/Mohalla - Hasanchauk, Lal Bagh, P.S. -
Town Dist. - Darbhanga.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Kedar Jha

For the Opposite Party/s : Mr.APP.

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

2 15-06-2022 The learned counsel for the petitioner is directed to
remove all the defects pointed out by the Stamp Reporter within one
month.

The petitioner apprehends his arrest in connection with
Town P.S. Case no. 234 of 2019 registered under sections 406 and
420 of the Indian Penal Code.

The main submissions advanced by learned counsel for
the petitioner are that there is clean antecedent of the petitioner, he
has never involved in any other criminal case earlier before the
present case. Informant has filed Complaint Case no. CS/57723 of
2018 under section 138 of N.I. Act before the court of Metropolitan
Magistrate, Kolkata which relates to the alleged amount of the
present case in which petitioner is on bail, informant's company after
closing business with this petitioner instantly initiated said case
under N.I. Act against the petitioner and after one year, filed the



present case suppressing the fact of his earlier case which shows *malafide* intention of the informant for lodging the present case . Further submission is that in fact, at the request of the official of the informant's company, some quantity of TMT bar of the informant's company was supplied to the petitioner for sale and said business was wound up on 17.1.2018 and at the time of closing of said business dues on the part of the petitioner was Rs 6,64,645/- which was to be realized from security of Rs 20 lakh of the petitioner deposited by him in the account of the informant's company and accordingly, remaining amount Rs 13,80,205/- was to be paid by the informant's company to the petitioner and accordingly, no role was committed by the petitioner and moreover, nature of the allegation completely involves a civil wrong for which a criminal liability cannot be fastened upon the petitioner.

Learned counsel appearing for the informant vehemently opposed the bail petition and submitted that the submission of the petitioner with regard to dishonoring of the cheque is a different matter and the same is not in the knowledge of the informant and the petitioner intentionally misappropriated TMT Bar which was entrusted to the petitioner for the purpose of sale.

Heard both sides, perused the relevant documents annexed with the bail petition. The main allegation is with regard to non-payment of sale proceeds of TMT Bar which was entrusted to the petitioner for the purpose of sale and as per above submission, the



main dispute is with regard to business transaction in between both parties and the informant has also initiated a legal action under section 138 of N.I. Act in respect of cheque issued by the petitioner for the purpose of security paid in the transaction.

Considering these facts as well as nature of the allegation which is mainly a civil wrong on the part of the petitioner, in my view, lenient approach may be taken in respect of the petitioner. Let the petitioner, in the event of arrest or surrender within eight weeks from today, be released on bail on furnishing bail bond of Rs 10,000/- with two sureties of the like amount each to the satisfaction of the Chief Judicial Magistrate, Darbhanga in connection with Town P.S. Case no. 234 of 2019 subject to condition as laid down under section 438(2) Cr.P.C.

(Shailendra Singh, J)

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