

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17524 of 2023

Arising Out of PS. Case No.-221 Year-2022 Thana- ARARIA District- Araria

MD. IFTEKHAR ALAM Son of Md. Isha R/o Khorbari, Gurhi, P.S.- Kasba,
District- Purnea

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Md Fazle Karim
For the State	:	Mr.Dashrath Mehta
For the informant	:	Mr. Ramesh Kumar Singh

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 30-05-2023 Heard learned Counsel for the petitioner, learned Counsel for the informant and learned Additional Public Prosecutor representing the State.

This application, for grant of anticipatory bail, arises out of Araria Police Station Case No. 221 of 2022, dated 17.03.2022, disclosing offences punishable under Sections 323/504/506/406/420/384 of the Indian Penal Code.

The prosecution case, as per the First Information Report, is that the petitioner was appointed as a Commission Agent by the informant, who is running an agency of Swaraj Tractors, in the name and style of Dolphin Enterprises, at Zero Mile, Araria, and as a commission agent, the petitioner was required to sell tractors of the agency, at Kaliyaganj, and deposit the sale proceed of the tractors in the agency. It has further been alleged that a sum of Rs. 29,76,663/- has not been recovered by



the petitioner from the customers, to whom he had sold the tractors.

Learned Counsel for the petitioner submits that the petitioner was an agent of the informant and in the process of duty, he sold tractors to various customers on payment basis and the registration for which was done in favour of the customers by the informant. It was due to non-payment of the sale proceeds by the purchasers of the tractors, a sum of Rs. 29,76,663/- could not be recovered and it is not the case of the informant that the aforesaid amount has been misappropriated by the petitioner.

On the other hand, learned Counsel for the informant submits that the petitioner has collected the entire sale proceeds of the tractors sold to the customers, but he did not deposit the said amount with the agency of the informant.

Regards being had to the submissions advanced on behalf of petitioner and taking into consideration the fact that the petitioner was appointed as an agent of the agency by the informant and in discharge of his duty, the petitioner had sold the tractors to various customers, for which registration has been allowed by the informant, I am inclined to grant the petitioner privilege of anticipatory bail.



This application is, accordingly, allowed.

Let the petitioner, above named, in the event of his arrest or surrender before the learned Court below within a period of four weeks from today, be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Araria, in connection with Araria Police Station Case No. 221 of 2022, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure.

(Anil Kumar Sinha, J.)

Prabhakar Anand/-

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