

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.63343 of 2023

Arising Out of PS. Case No.-241 Year-2023 Thana- PATNA COMPLAINT CASE District-
Patna

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Santosh Devi, W/O Raj Kumar Dalmia Resident Of Raxaul, P.S- Raxaul,
District- East Champaran, At Present Shivam Agency Raxaul Through Its
Proprietor Santosh Devi, Office At East Champaran, Raxaul Bazar, Raxaul-
845305.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. Gujrat Co-Operative Milk Marketing Federation Ltd. Through Authorized/
Representative Rebti Raman, Aged About 46 Years, S/O Gopal Prasad
Resident Of New Maithil Tola Near Law College, Purnea, P.S- Purnea.
Office Address- C/O Jayanti Prakash Infratech, Behind Job Show Room,
Simlimur As Per Didarganj, Patna City, Patna, Bihar- 800008.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sunil Kumar No.III
For the Opposite Party/s : Mr. Anuj Kumar Shrivastava
Mr. Mohit Agarwal

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

- 4 21-03-2024 1. Heard learned counsel for the petitioner, learned

counsel for the opposite party no.2 and learned APP for the

State.
2. The petitioner seeks bail in anticipation of her

arrest in a case registered for the offences punishable under

Section 409 of the Indian Penal Code.
3. The learned counsel for the petitioner submits that

a purely civil has been given a criminal colour. It is next

submitted that Amul Company had entered into a C & F



(Clearing & Forwarding Agent) Agreement with M. R. Enterprises while had appointed the petitioner as a Distributor in pursuance of a separate agreement and Amul Company used to sell its goods to the Clearing & Forwarding Agent and the Distributors appointed by Amul Company used to lift the goods from the C & F for selling purposes. It is further submitted that there was a dispute in between Amul Company, C & F and the petitioner that the petitioner and the C & F Agent in connivance have misappropriated the goods of Amul Company.

4. It is thus submitted that if what has been alleged is correct, then the dispute is purely commercial for which the Amul Company ought not to have instituted a criminal case rather should have resorted to remedies available in law as petitioner has her own defence that she has not misappropriated any amount of Amul Company in pursuance of the goods received from the C & F Agent. It is also submitted that the petitioner was appointed as a Distributor in pursuance of an agreement entered by Amul Company with her, as such, if any dispute had arisen, the same ought to have been resolved in terms of the agreement entered in between the petitioner and the Amul Company.



5. The learned A.P.P. along with learned counsel for the opposite party no.2 opposes the anticipatory bail application, but then, the learned counsel for the opposite party no.2 is not in a position to rebut the submission of the learned counsel for the petitioner that petitioner is Distributor of Amul Company and dispute in between the parties is more commercial in nature than criminal.

6. Considering the submissions made by the learned counsel for the petitioner, the petitioner, above-named, in the event of her arrest or surrender before the learned Court below within a period of six weeks, is directed to be released on bail on her furnishing bail-bonds in the sum of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of Sri Pratik Shail, the learned Judicial Magistrate, 1st Class, Patna City, Patna in connection with Complaint Case No.241 of 2023, subject to the conditions laid down under Section 438(2) of the Cr.P.C.

7. The application stands allowed.

(Satyavrat Verma, J)

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