

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.72213 of 2019

Arising Out of PS. Case No.-29415 Year-2014 Thana- PATNA COMPLAINT CASE District-
Patna

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BHUPENDRA ACHARYA Son of Mum Bahadur Acharya M/S Taj Technotech Ltd., G-502, 5th floor city center Matigaha, Utrayan Siliguri (W.B.) and B-2/232 Maa Basant Kunj, New Delhi, P.S.- Basant Kunj, New Delhi At present - Bindeshwari Plaza, Plot No. 3202 Kidwaipuri, P.S.- Buddha Colony, District - Patna.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Ritesh Kumar Son of Sri Rajkishor Pandey Gardanibagh Road No. - 2, Qr. No. - 35, near Pani Tanki, Patna - 800001. Business Address - At in the house of Sachidanand Singh, CNF godown, Mahavir Colony, Sainchak, P.O. and P.S. - Beur, District - Patna and at present residing in own new house at village - Betaura, P.O. and P.S. - Beur, District - Patna

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Dilip Kumar
For the Opposite Party/s : Mr.Jagdhar Prasad

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 04-12-2019 Heard the learned counsel for the petitioner and the

learned APP for the State.

The petitioner seeks regular bail in connection with

Complaint Case No. 29415(c) of 2014, registered for the

offence punishable under Sections 406/34 of the Indian Penal

Code and Section 138 of the N.I.Act.

The allegation is regarding the petitioner, who is stated to

be the Managing Director of Taj Technotech Limited, having

entered into an agreement with the complainant of this case for

being appointed as C & F agent of the company and in the



process, it is alleged that the petitioner's company has duped the complainant of the security money taken by him to the tune of Rs. 15,00,000/- and commission money amounting to a sum of Rs. 11,00,000/-.

The learned counsel for the petitioner has referred to the agreement dated 8.2.2013 wherein the disputes between the parties are to be resolved by taking recourse to arbitration proceedings. It is further submitted that the dispute in question is purely civil in nature and an accounting dispute and by no stretch of imagination, any offence under the provisions of the Indian Penal Code can be said to have been made out. It is further alleged that the petitioner is languishing in custody since 25.5.2019. Lastly, it is submitted that the petitioner undertakes to be physical present on each and every date so fixed by the learned court below in the ongoing complaint case.

Having regard to the facts and circumstances of the case, I deem it fit and proper to enlarge the petitioner on regular bail.

Accordingly, the above named petitioner is directed to be enlarged on bail on furnishing bail bonds of Rs. 10,000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned J.M.-1st Class, Civil Court, Patna



in connection with Complaint Case No. 29415(c) of 2014.

It is needless to state that the petitioner shall appear before the learned court below in the ongoing complaint case on each and every date so fixed and in case of two consecutive defaults in appearing before the court below, the present privilege of regular bail shall stand cancelled automatically and the petitioner would be liable to be taken into custody forthwith.

(Mohit Kumar Shah, J)

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