

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.78888 of 2019

Arising Out of PS. Case No.-114 Year-2019 Thana- SIWAN MUFFASIL District- Siwan

SILAJIT BISWAS S/o Late Sudhindra Kumar Biswas R/o- Flat No.- E, 3rd Floor, Jagadhatri Appartment, Agarpara (N) Stn. Rd, P.O.- Agarpara, P.S.- Agarpara, District- 24 Parganas (North), Kolkata- 7000109.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ratnakar Pandey

For the Opposite Party/s : Mr.Vinod Shanker Modi

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

5 19-12-2019 Heard learned counsel for the petitioner and learned
APP for the State.

Although the case was adjourned on the ground of personal difficulty of learned counsel for the informant on 10.12.2019 and once again on 16.12.2019, no one appears on behalf of the informant.

As per allegation in the FIR, the accused persons are said to have caused loss of Rs. 60,00,000/- to the informant on the basis of a false audit report and illegal actions of the accused persons.

It is submitted by learned counsel for the petitioner that an agreement dated 19.04.2017 was entered into in the name of petitioner's company and informant, enabling the



informant to run his service center. A copy of the said agreement has been brought on record as Annexure-2 to the application. It is stated that the petitioner happens to be only an employee in this company. It is further submitted that pursuant to clause 16.3 of the said agreement which provides for termination of agreement by giving a 30 days notice and a notice dated 26.09.2018 as contained in Annexure-4 to this application was given to the informant and the agreement was terminated. It is further submitted that the informant has filed Title Suit no. 1183 of 2018 on 06.11.2018 in the court of Civil Division Court, Siwan challenging the said termination of the agreement and it is more than three months after filing of the said title suit that the instant complaint has been filed on 14.02.2019 with an oblique purpose. It is finally submitted that the matter is purely of a civil nature and petitioner is also pursuing the same by filing the aforesaid title suit. The petitioner has no criminal antecedent.

Having heard learned counsel for the parties and taking into consideration the nature of allegation as made against this petitioner in the FIR, together with the fact that title suit was filed on 06.11.2018 and the complaint from which the



instant FIR arises has been filed on 14.02.2019 as also the fact that petitioner has no criminal antecedent, the Court is inclined to enlarge the petitioner on bail. The petitioner is directed to surrender in the court below within a period of six weeks from today and in the event of his arrest or surrender, he shall be enlarged 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, Siwan in connection with Siwan Mufasil (Mahadeva) P.S. Case No. 114 of 2019, subject to the condition as laid down under section 438(2) of the Cr.P.C.

(Partha Sarthy, J)

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