

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70690 of 2019

Arising Out of PS. Case No.-3358 Year-2018 Thana- VAISALI COMPLAINT CASE
District- Vaishali

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SHIVRAJ KUMAR GUPTA, Son of Late Shivshankar Prasad Gupta
(Proprietor Times Clivestor) Resident of Mohalla - Shivaji Nagar, Saudagar,
P.O.- Lal Bagh, P.S.- Darbhanga, District - Darbhanga.

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR
2. Dipak Kumar Patel Son of Late Nunu Patel Resident of - Fuladh, P.S.-
Vaishali, District - Vaishali.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Onkar Nath

For the Opposite Party/s : Mr.Dr.Mrityunjaya Kr.Gautam

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CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR MISHRA

ORAL ORDER

2 04-02-2020 Heard learned counsel for the petitioner and the
learned A.P.P. for the State.

The petitioner apprehends his arrest in connection
with Compliant Case no. 3358 of 2018, registered under
Section 420 and 406 of the Indian Penal Code.

The accusation is that complainant/O.P. No.2 was
engaged as skilled labour in the firm of petitioner since
October, 2014, while he was discharging his duty as skilled
labour, but his payment worth of Rs. 1,25,000/- was not made
till 25.06.2018. It is alleged that in spite of much persuasion his
salary was not paid then he left work and returned to his house.
Thereafter, on 02.07.2018, the petitioner came at his house and



in presence of the villagers, he assured him to give wage amount of Rs. 1,25,000/- and asked him to start the work. Thereafter, he again went there and started to discharge his work. On 08.07.2018, he sustained injury in his hand, while he was treated initially at Darbhanga Orthopedic and Trauma Centre and expenses were paid by the petitioner, but, later petitioner send him to his house saying that all expenses will be paid by him, but not a single penny was paid by the petitioner. Thereafter, informant made demand of Rs. 2,35,000/- from the petitioner then he was slapped by the petitioner and compelled to move from his house.

Learned counsel for the petitioner submits that, in fact, complainant/O.P. No.2 was doing work of the petitioner and at that time, he had taken money, in advance, from the petitioner for the purpose of marriage of his sister, when petitioner asked to return the money then only to give undue pressure, the present case has been lodged. The petitioner has no criminal antecedent.

Having regard to the facts and circumstances of the case, let the above named petitioner, be released on bail, in the event of his arrest or surrender before the learned Court below within a period of four weeks from today, on furnishing bail



bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the learned Sub-Sudge-XVI-cum-A.C.J.M.-XV, Vaishali at Hajipur in connection with Complaint Case No. 3358 of 2018, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

(Rajendra Kumar Mishra, J)

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