

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47433 of 2019

Arising Out of PS. Case No.-43 Year-2019 Thana- BARGAINIA District- Sitamarhi

RAJAN KUMAR, Son of Ashok Kumar Gupta R/o Gaushala Road, Ward No. 6, P.S.- Bairgania, District- Sitamarhi.

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR
2. The Managing Director, G.I. Technology Private Limited, RMJ Mellenia Business Park, Phase – 2, Campus -3 B third Floor, Unit No. 301 & 302, 143 MGR, Main Road, Kandanchavri, Chennai, Tamilnadu
3. Subir Ghosh, S/O Shukhranjan Ghosh, 179/A, Dwarika Jungal Road, Uttar Pada Hugali, West Bengal, Pin Code – 712232.

... .. Opposite Party/s

Appearance :

For the Petitioner/s :	Mr. Dhramveer
For the Opposite Party/s :	Mr. Anil Prasad Singh
	Mr. Sriram Krishna
	Dr. Kamal Deo Sharma
	Mr. Tushar Vaibhav

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

6 27-09-2021 Heard Mr. N. K. Agrawal, learned senior Advocate for the petitioner and Mr. Anil Prasad Singh, learned APP for the State.

In this case, the Opposite Party Nos. 2 and 3 were earlier represented by Shri Ram Krishna, learned Advocate but today he submits that despite all his efforts, he could not establish contact with Opposite Party Nos. 2 and 3. Because of this, he expresses his inability to assist this Court on facts.



The petitioner seeks bail in anticipation of his arrest in connection with Bairgania P. S. Case No. 43 of 2019, dated 28.02.2019, instituted for the offences under Sections 420, 406, 468 and 471 of the Indian Penal Code.

The accusation in the F.I.R. is that the petitioner was appointed as an agent of the company and later his ID was blocked because it was found that the commission amount was not being distributed by him to correct person.

Mr. Agrawal, learned senior Advocate for the petitioner has submitted that the facts are otherwise. On the asking of the company, the petitioner performed his part of job and promised commission to various other retailers. However, instead of making payment of commission, the company has turned volteface and has blocked all the portals over which contact could be made. The petitioner is of the view that perhaps the company is a fly by night unit which practically has wound up its



operations. Had it not been the case, the company would not have been inaccessible to its erstwhile employee.

Considering this aspect of the matter, case-diary was called for and an interim reprieve was granted to the petitioner.

In view of the lawyer for the Opposite Party No. 2 not being able to establish any contact with his client and, therefore, not in a position to assist this Court on facts and in view of the nature of accusation and the background facts, the petitioner, above-named, is directed to be released on bail, in the event of his arrest or surrender before the court below within a period of eight weeks from the date of receipt / production of a copy of this order, on his furnishing bail bonds in the sum of Rs. 10,000 /- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Sitamarhi, in connection with Bairgania P. S. Case No. 43 of 2019, subject to the conditions as laid down under Section 438 (2) Cr.P.C.



The application stands allowed.

(Ashutosh Kumar, J)

skm/-

U		T	
---	--	---	--

