

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41656 of 2022

Arising Out of PS. Case No.-142 Year-2021 Thana- KHAGARIA COMPALINT CASE
District- Khagaria

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Bikash Kumar S/O Birendra Prasad Chaurasiya Resident Of Village- Ranko,
P.O.- Koshi College, P.S.- Khagaria Muffasil, District- Khagaria.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Dhruv Sharma S/O Satya Narayan Sharma Resident Of Village- Gadh Mohani, P.S.- Gogari, District- Khagaria.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Shashi Dhar Jha, Advocate

For the Opposite Party/s : Mr. Ramchandra Singh, APP

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CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

3 13-02-2023 Let the defects, if any, pointed out by the office be removed within three weeks from the date of this order, failing which the matter be listed again under the appropriate heading for necessary action.

Heard learned counsel for the petitioner and learned APP for the State.

Petitioner seeks regular bail in connection with Complaint Case No.142C of 2021 registered for the offences punishable under Sections 406 and 323 of the Indian Penal Code and pending in the Court of learned Judicial Magistrate 1st class, Khagaria.

As per the prosecution, the complainant alleged that



he worked along with 48 labourers in Shivcharan Construction Company Siliguri in an Electric tower in which petitioner was company manager and contractor and the petitioner cheated them by not paying their dues wages for a sum of Rs. 9,23,469/-.

The main submissions advanced by learned counsel Mr. Shashi Dhar Jha, appearing for the petitioner are that the instant matter has arisen out of a complaint case in which cognizance has been taken for the offences of 406 and 323 of IPC and the petitioner has no criminal antecedent and he has been languishing in jail since 19.05.2022 and the complainant has approached to the Labour Commissioner for the redressal of his grievances.

Learned APP Mr. Ramchandra Singh, appearing for the State and learned counsel appearing for O.P. No. 2 has vehemently opposed the prayer for bail made by the petitioner and it is submitted by learned counsel for O.P. No. 2 that the petitioner misappropriated a huge amount of Rs. 9,23,469/- which was concerned to the dues wages of several labourers including the complainant and the petitioner made a false statement in his interlocutory application regarding his illness.

Considering the nature of allegation which mainly



attracts a civil wrong and also taking into account the custody period of the petitioner, this Court is inclined to accept the petitioner's prayer for bail, accordingly, let the petitioner named-above 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 the concerned Court in connection with Complaint Case No.142C of 2021.

(Shailendra Singh, J.)

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