

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.57518 of 2024

Arising Out of PS. Case No.-4232 Year-2021 Thana- PATNA COMPLAINT CASE District-
Patna

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1. Vijay Gaikwad @ Vijay Krishna Gaikwad Son Of Krishna Gaikwad R/V-B 706, Olympic C.H.S., Sant Dnyaneshawar Marg, Mulund East, P.S.- Mulund, District-Mumbai, Maharashtra PIN 400081 at present Senior vice President, Sales and International Business, Midmark india Pvt. Ltd. A-1/3, G.I.D.C., industrial Estate, Umbergaon, 396171, Distt.- Valsad, Gujrat
 2. Sumeet Aggarwal Son Of Sharwan Kumar Aggarwal R/V-C 8/8344, Vasant Kunj, P.S. Vasant Kunj, District South West Delhi, New Delhi PIN 110070, at present Managing Director, Midmark India Pvt. Ltd, Art guild House, A wing, Unit No. 15 and 16, Lower Ground Floor, Phenix Market city, LBS Road, Kurla (West), Mumbai-400070
 3. Nalinakshya Bhattacharya Son Of Amarendra Bhattacharya R/V-Pioneer Park Road, Barasat Nortn P.S. Barasat, District 24 Parganas, West Bengal PIN 700124, Barasat North P.S.- Barasat, Distt. North 24 Parganas, West Bengal PIN 700124 at present Zonal Director, East India and International Business, 140 B, Jodhpur park, Kolkata-700068

... .. Petitioner/s

Versus

1. The State of Bihar
2. Akhilesh Kumar Singh Hospital Private Limited Represented through its Director, Ashutosh Singh, Plot No. DS/2, Behind Geological Survey of India Building, Near Kankarbagh Police Station, West of Rajendra Nagar Over Bridge, Kankarbagh, Patna

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Mayank Rukhaiyar, Adv.
For the Opposite Party/s : Mr. Ram Sevak Choudhary, APP

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER

2 04-09-2024 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

2. The petitioners apprehend arrest in connection with
Complaint Case No. 4232 of 2021 dated, instituted for the
offence punishable under Sections 406 and 420 of the Indian



Penal Code.

3. The case of the complainant against the officials (petitioners) of Midmark India Pvt. Ltd. is that he runs a hospital in the name and style of Sri Sai Hospital at Kankarbagh, Patna. His hospital comes under the category of multi-speciality hospital. The accused persons visited his hospital and told him that the beds needed modification and advised him to get replaced by motorized bed of their company with five years guarantee. Thereafter, the complainant placed order for 32 beds on 18.2.2020, the total cost of which was computed as Rs.48,44,821/- and the complainant paid the aforesaid amount in two date i.e. on 24.2.2020 and 17.3.2020. The complainant has further alleged that after installation, the beds were found to be of substandard quality, as such, the complainant had to dump the same. It is further alleged that thereafter the complainant contacted the company continuously and regularly and on 14.9.2020 he sent e-mail to the company, upon which they replied that the beds needed maintenance and promised to do the same immediately but they did not turn up in spite of promise. Lastly, it is alleged that when the complainant asked them to return the money, they refused to do so.

4. Learned counsel for the petitioners submits that the



petitioners are innocent and they have been falsely implicated in this case. It is submitted that petitioner no. 1 is Vice President of Sales and International Business, Midmark India Pvt. Ltd., petitioner no. 2 is Managing Director of the said company and petitioner no. 3 is Zonal Director of the said company. It is submitted that the said company manufactures motorized beds for hospitals. It is submitted that there is a business dispute between the parties which is manifestly a consumer dispute. The petitioners have always helped and supported the complainant whenever he lodged complain regarding the supplied beds. The complainant wanted to extort new motorized beds from the petitioners in place of old beds. When the petitioners refused to replace the old beds, the complainant got anguished and filed this false and frivolous case. It is further submitted that the reply on behalf of the Company was sent by the petitioners' company to the complainant which is annexed at page-44 in which there is specific mention about the assurance given by the petitioners' company to replace the defective motorized beds free of cost with new one. It is also submitted that the said beds are being used by the Sri Sai Hospital which is evident from Annexure-5 (at page-63) contrary to the statement made by the petitioners. Lastly, it has been submitted that they have no criminal



antecedents.

5. Learned A.P.P. has opposed the prayer for bail of the petitioners.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest / surrender of the petitioners within a period of six weeks from today, in connection with Complaint Case No. 4232 of 2021, they shall be released on anticipatory bail upon furnishing bail bonds of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned J.M.-Ist Class-XIV, Patna, subject to condition as laid down under Section 438(2) of the Cr.P.C..

(Khatim Reza, J)

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