

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.61983 of 2023

Arising Out of PS. Case No.-529 Year-2021 Thana- GANDHIMAIDAN District- Patna

Dhiraj Kumar Magadhiya @ Dhiraj Magadhiya S/O- Om Prakash Village-
Belwarganj Near Fire Station, Ps- Alamganj Dist- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Purusottam Kumar, Advocate Mr. Dheeraj Kumar, Advocate Ms. Kirti Mathur, Advocate
For the State	:	Mr. Bharat Bhushan, A.P.P.
For the Informant	:	Mr. Rahul, Advocate Mr. Alok Kumar Jha, Advocate

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

6 10-04-2024 Heard learned counsel for the petitioner, informant
and the State.

2. The petitioner apprehends his arrest in a case registered for the offence under Sections 420, 467, 468, 120(B) of the Indian Penal Code.

3. The prosecution case, in short, is that informant gave a report to the S.H.O, Gandhi Maidan p.s. alleging therein that the informant claiming himself as Manager of B.S Enterprises and the Proprietor of the said firm is Anup Kumar and the said Firm is a distributor ship firm and doing business as C & F agent of many companies. It is further said that the goods are being distributed to the dealers through the agent of the firm



who takes orders. It is further, said that Raja Rai and Dhiran Kumar Magadhiya are doing work as marketing agent of Nisha Mehendi company and they took orders from the dealers and on many occasion both are responsible to deposit collected money in the accounts of the firm against the said orders. It further alleged that both the persons placed fake orders in the account of the firm and sold the goods in the marker. It is also further alleged that they did not deposit the said amount in the account of the firm and kept the same due to which the firm suffered financial loss. It is further, said that when the firm learnt their unethical act then they gave an undertaking on 08-04-2021 to return Rs. 29,39,713 to the proprietor of the firm namely Anup Kumar till 30-04-2021 but they did not return the said amount. It is also alleged that in year 2020 a foul play was come to the notice of the firm by computer operator Ashish Kumar Sinha for which Gandhi Maidan p.s. case No. 69/2021 was instituted and in that very case also there was hand of both persons and the said amount is executed from those amount which was embezzled with Ashish Kumar Sinha.

4. It is submitted on behalf of petitioner that petitioner is innocent and has been falsely implicated in this case only because petitioner was working as a marketing agent (Sales



Manager) in the Prem Heena Marketing Pvt. Ltd. (in short “company”) along with 50 other persons as sales manager. The company was dealing in the business of different hair colours in the name of Nisha Mehendi. As a matter of fact, petitioner has got no concern with maintaining the orders nor supplying the orders in the market. All accounts were maintained by staffs of the firm (B S Enterprises) and neither the company nor the petitioner had any role in maintaining accounts. From the F.I.R., it is apparent that Aashis Kumar Sinha, who was Computer operator of the firm (B S Enterprises) embezzled huge amount of the firm, for which, Gandhi Maindan P.S. Case No. 69 of 2021 was lodged against him by the present informant. As such, there is no material against this petitioner to connect him with this case. Petitioner claims clean antecedent.

5. However, learned counsel for the informant opposed the bail petition and submitted that this petitioner, in connivance with other co-accused, embezzled huge amount. In this regard, an agreement was made between the parties, but both the accused persons violated it. The accused persons had taken order for delivery of goods in the name of Firm and sold out it in the open market and did not deposit the amount in the fund of the firm. Moreover, the bail application of co-accused



namely Raja Rai @ Raja Roy has already been rejected by this Hon’ble Court *vide* order dated 18.10.2023 passed in Cr. Misc. No. 65440 of 2023.

6. Considering the aforesaid facts and circumstances of the case, the prayer for anticipatory bail of petitioner is rejected.

(Prabhat Kumar Singh, J)

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