

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13642 of 2026

Arising Out of PS. Case No.-664 Year-2022 Thana- KADAMKUAN District- Patna

Kallol Mukherjee, S/o Biplap Kumar Mukherjee, R/o Flat No C-1822, 12th Avenue, Gaur City 2, Sector-16 C, Greater Noida West, Shah Beri, Gautam Budhha Nagar, UP-201009.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Ashish Giri, Senior Advocate

Mr. Aryan Sinha, Advocate

For the Opposite Party/s : Mr. Navin Kumar Pandey, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 26-02-2026 Heard learned senior counsel for the petitioner and

learned Additional Public Prosecutor for the State.

2. The accused/petitioner is named in the FIR and apprehending his arrest in connection with Kadamkuan P.S. Case No.664 of 2022 registered under Sections 406 and 420 read with 34 of the Indian Penal Code.

3. As per FIR, it is alleged that informant, who is the Director of M/s MKS International Trade Pvt. Ltd., engaged M/s Corporate Solution for supplying of 410 smart watch under the order of N.T.P.C., Bihar. The petitioner alleged to work with M/s. Nexxbase Marketing Pvt. Ltd. as an Assistant Director (Sales), original manufacturer of smart watch.



4. Mr. Ashish Giri, learned senior counsel appearing for the petitioner submitted that from entire allegation, no offence appears made out against petitioner, which can be simply gathered from the narration of FIR. It is submitted that merely as petitioner was working as Senior Sales Executive, Nexxbase Marketing Pvt. Ltd., original manufacturer of the smart watch for which the order was placed with M/s Corporate Solution Pvt. Ltd. by informant, he was implicated with present case. It is submitted by Mr. Giri that even from the perusal of FIR, it can be gathered that Sahaj Bhatia and Gaurav Kharti, C.E.O./Co-founder of Nexxbase Marketing Pvt. Ltd. were implicated in their professional capacity without arraying the company as an accused and, therefore, the entire implication appears baseless in view of legal report of Hon'ble Supreme Court as available through **Sanjay Dutt and Ors. vs. State of Haryana and Anr. [2025 SCC OnLine SC 321]**.

5. Arguing further, Mr. Giri pointed out that Ms. Nexxbase Marketing Pvt. Ltd while replying to legal notice as sent by informant company categorically stated in para-9 of



the reply that the company is ready to compensate Rs. 150/- per watch, if it is acceptable to the informant without specifying any role of this petitioner. It is submitted that petitioner has been implicated only due to his professional capacity as he was Assistant Director (Sales) of the Nexxbase Marketing Pvt. Ltd. While concluding argument, it is submitted that moreover the dispute appears civil in nature for which present criminal case is completely un-ocassioned and unwarranted. Petitioner claimed clean antecedent.

6. In view of aforesaid factual submissions and by taking note of fact as the dispute primarily appears civil in nature, where implication of this petitioner *prima facie* appears in his professional capacity, being Assistant Director (Sales) of Nexxbase Marketing Pvt. Ltd., accordingly, the petitioner, above-named, in the event of his arrest or surrender in the court below within a period of four weeks from today, is directed to be released on bail on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned J.M.F.C., Patna in connection with Kadamkuan P.S.



Case No.664 of 2022, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure (in short ‘CrPC’)/under Section 482(2) of the Bhartiya Nagrik Suraksha Sanhita, 2023 (in short ‘BNSS’).

(Chandra Shekhar Jha, J.)

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