IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.75585 of 2024

Arising Out of PS. Case No.-82 Year-2024 Thana- RAXAUL District- East Champaran

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Sanjay Kumar @ Sanjay Kumar Gupta S/o Late Bhagwan Lal Prasad Resident of Village- Bhelahi, PS- Palanwa, District- East Champaran

... ... Petitioner/s

Versus

The State of Bihar

... ... Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Sarvesh Kashyap, Advocate
For the State	:	Mr. Binod Kumar, APP
For the Informant	:	Ms. Archana Sinha, Sr. Advocate

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CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY

ORAL ORDER

18 24-06-2026 Heard learned counsel for the parties.

2. The petitioner has preferred this application for grant of regular bail in connection with Raxaul P.S. Case no. 82 of 2024 registered under section s 406, 420, 504, 506 and 34 of the Indian Penal Code.

3. As per the prosecution case, the informant states that he manages the affairs/work of Millennia Transport Corporation Private Limited, Patna. The petitioner looks after the work of the Raxaul branch in the capacity of a Regional Manager as also the work of the company in Nepal. In course of his work, the petitioner is said to have raised Rs.80 lakhs from the clients of the company and kept it with himself. On 30.8.2023, he wrote on a stamp paper that he had wrongly taken

the amount belonging to the company and would repay the amount to the company. However, he had an intention to cheat from the very beginning. On enquiry, it transpired that he had manipulated the ledger of the company and there was defalcation of an amount of more than Rs.2 crores approx. The company has suffered financial loss as also loss of its reputation. Banks are talking about selling of the collateral security of the company. On asking the petitioner to return the amount, he starts giving threats, hurling abuses and threatens that he would get the informant killed. As such the FIR.

4. Learned counsel for the petitioner submitted that the petitioner has been falsely implicated in the case. The allegations levelled in the FIR are false and concocted. While the petitioner resigned from the company on 29.11.2022 itself, the present case has been lodged on 15.3.2024. The petitioner was merely an employee of the company which was involved in transport. The petitioner used to hire trucks for transport of goods and got commission from the company. If any amount was still due with the petitioner, the company would not have permitted the petitioner to resign.

5. It is further submitted that there has been no audit to arrive at the conclusion as to what amount is due from the petitioner and at different places in the FIR, while the informant is saying that

Rs.80 lakhs is due, at another place, the informant claims that more than Rs.2 crores is due from the petitioner. The amount due with the petitioner is approximately Rs.30 lakhs and it is for this reason that the petitioner was ready to pay a sum of Rs.35 lakhs against which he has already paid a sum of Rs.13 lakhs approx. The petitioner who was in custody since 10.7.2024 was enlarged on provisional bail on 17.1.2025. He has no criminal antecedent and undertakes to cooperate in the investigation/trial.

6. The application for bail is opposed by learned APP for the State and learned counsel for the informant. It is submitted by learned counsel for the informant that even after the date of his so called resignation, which was never accepted, the petitioner continues to work in the company even today and has been going on official tours. It is submitted that though the total defalcation was of over Rs.2 crores, the petitioner agreed to pay the dues to the tune of Rs.80 lakhs, however even the cheques deposited in the Bank bounced and after serving of legal notice on the petitioner, two separate complaints have been filed by the company which have been registered as Complaint Case no.4633 of 2024 and Complaint Case no.9809 of 2024. It is further submitted that from the ordersheet, it would transpire that even out of the total dues of Rs.80 lakhs, the petitioner

subsequently reduced the admitted amount on 18.8.2025 to Rs.50 lakhs and on 20.9.2025 started taking a stand that only Rs.35 lakhs remained payable by the petitioner to the company. Even out of the said amount, inspite of so many adjournments and this application having remained pending since 15.10.2024, the petitioner has paid a sum of Rs.13 lakhs only. The petitioner is an employee of the company and in similar matters warrant of arrest has been issued against him, one of the warrants having been brought on record as annexure in the counter affidavit filed on behalf of the informant.

7. Having heard learned counsel for the parties and having perused the contents of the petition, taking into consideration the allegations against the petitioner of having cheated the company of Rs.80 lakhs, of having defalcated a sum of Rs.2 crores approx together with the material that has transpired in course of investigation with complaint cases having been filed by the company on account of the cheques given by the petitioner to the company having bounced, in the facts of the case, the Court is not inclined to enlarge the petitioner on bail and the application is rejected.

8. On account of the application for bail having been rejected, the provisional bail granted to the petitioner by order

dated 17.1.2025 is cancelled and the petitioner is directed to surrender in the learned Court below within a period of four weeks from today.

(Partha Sarthy, J)

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