

IN THE HIGH COURT OF JHARKHAND AT RANCHI
B.A. No. 4044 of 2020

Rajesh Kumar Megotia @ Loddu Megotia **Petitioner**

Versus

The State of Jharkhand **Opposite Party**

CORAM : HON'BLE MR. JUSTICE RONGON MUKHOPADHYAY
Through- Video Conferencing

For the Petitioner : Mr. R. S. Mazumdar, Sr. Advocate
For the State : Mr. Bishambhar Shastri, A.P.P.
For the Informant : Mr. A. K. Sahani, Advocate

02/29.07.2020 Heard Mr. R. S. Mazumdar, learned senior counsel for the petitioner, Mr. Bishambhar Shastri, learned A.P.P. for the State assisted by Mr. A. K. Sahani, learned counsel appearing for the informant.

The petitioner is an accused in connection with Jugsalai P.S. Case No. 320 of 2015, corresponding to G. R. No. 3341 of 2015.

It has been alleged that since 2007 the informant was working with M/s. Megotia Construction Private Limited in soil levelling and loading of soil. Some work of soil levelling and soil loading was done by the informant and it is alleged that the informant was not paid his dues and his Hywa vehicle and J.C.B. machine were also retained by the petitioner.

Learned senior counsel for the petitioner submits that the dispute is purely civil in nature and with respect to the claim of the informant he had already filed a case before the Labour Court, Panipat claiming his dues which, however, was dropped. It has further been stated that a money suit was also instituted by the petitioner. Learned senior counsel for the petitioner submits that the petitioner is in custody since 28.05.2020.

Mr. A. K. Sahani, learned counsel for the informant has submitted that the Hywa vehicle as well as J.C.B. Machine have been retained by the petitioner and he had undertaken to pay the amount but the same was not paid. He has further submitted that the act of the petitioner invites criminal prosecution and therefore, on such context the present bail application is liable to be dismissed.

The petitioner appears to be the Director of M/s. Megotia Construction Private Limited and the allegation in the First Information Report reveals that there was some business dealing between the petitioner and the informant which resulted in some dues accruing to the informant although the petitioner has filed money suit claiming certain dues

against the informant. The money suit was dismissed and for restoration of which Miscellaneous case has already been filed by the petitioner. The informant for recovery of his purported dues had filed a case before the Labour Court, Panipat which, however, was dropped.

In view of the fact that the dispute appears to be civil in nature regarding the dues accruing to both the parties as per there individual claims, the petitioner, named above, is directed to be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand only) with two sureties of the like amount each, to the satisfaction of learned Judicial Magistrate, 1st Class, Jamshedpur in connection with Jugsalai P.S. Case No. 320 of 2015, corresponding to G. R. No. 3341 of 2015.

(Rongon Mukhopadhyay, J.)