

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.61832 of 2017

Arising Out of PS.Case No. -127 Year- 2016 Thana -RAMKRISHNANAGAR District- PATNA

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Sudhir Kumar Mandal S/o Shiv Sevak Mandal, R/o Mohalla- Yadubanshi
Nagar, P.S.- Digha, District- Patna.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Ajey Kumar

For the Opposite Party/s : Mr. Sri Mukeshwar Dayal

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

3 03-01-2018 Heard the learned counsel for the petitioner and the
learned A.P.P. for the State.

This is an application for grant of anticipatory bail
in connection with Ram Krishna Nagar PS case no. 127 of 2016
registered for the offences punishable under Sections 379, 381,
405, 408, 418, 420, 411, 120B, 477-A/34 of Indian Penal Code.

The allegation is regarding the employees of the
company namely MIRC Electronics Ltd. committing
embezzlement of the stock of the said company from the
warehouse situated at Patna. It has been further alleged that one
Mumtaz Alam was transferred to the Patna branch of the
company, he had joined at the said place on 30.10.2013 and had
worked till 28.03.2016 as a Head Accountant of the said company.



As far as the petitioner is concerned, it has been stated in the complaint that he joined in the month of March, 2014 and was working till the filing of the complaint and was entrusted with the products and warehouse. It has also been stated in the complaint that the said Mumtaz Alam had connived with the dealers and had benefited from the reversal of the invoices resulting in cheating of the goods of the company. It has also been alleged that the aforesaid embezzlement came to light after an audit was conducted and in sum and substance, the allegation leveled against the said Mumtaz Alam is that he, in connivance with the proprietor of the dealers namely M/s Veena Rdio & Sons and M/s Ashirvad Enterprises as well as few other dealers, had cheated and defrauded the company causing wrongful loss to the company and wrongful gain to themselves. On the basis of the aforesaid complaint, Ram Krishna Nagar PS case no. 127 of 2016 dated 20.06.2016 has been registered against the petitioner and other accused persons.

The learned counsel for the petitioner submits that in case, the intention on the part of the petitioner was bad or he had infact, embezzled the money or the goods, he would not have worked with the company till the filling of the complaint whereas the fact is that he had co-operated with the officers of the company



in order to expose the said Mumtaz Alam who had infact, embezzled the goods and the money of the company. It is further submitted that the petitioner has a clean antecedent and is ready to cooperate with the investigation.

Having regard to the facts and circumstances of the case, I direct the petitioner, in the event of his arrest or surrender before the court below within six weeks from the date of receipt/ production of a copy of this order, be enlarged on anticipatory bail on furnishing bail bond of Rs. 10,000/- (Rs. Ten thousand) with two sureties of the like amount each to the satisfaction of Chief Judicial Magistrate, Patna in connection with Ram Krishna Nagar PS case no. 127 of 2016 subject to the conditions as laid down under Section 438(2) of Code of Criminal Procedure. It is further directed that the petitioner would be present before the learned trial court on each and every date and in default of two consecutive appearances before the learned trial court, the aforesaid privilege of anticipatory bail granted to the petitioner would automatically stand cancelled and he would be taken into custody forthwith.

(Mohit Kumar Shah, J.)

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