

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.63320 of 2019

Arising Out of PS. Case No.-563 Year-2019 Thana- MUZAFFARPUR TOWN District-
Muzaffarpur

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Monu Kumar @ Monu Kumar Tiwari Son of Om Prakash Tiwari Resident of
Village - Fatahpur, near - Hardi, P.S.- Paroo, Distt - Muzaffarpur, at present
residing at Basant Bihar Colony Road No. - 1, Near Air Tell Tower, Kolhua
Paigambarpur, P.S.- Ahiyapur, Distt - Muzaffarpur.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner/s : Mr.Mahendra Thakur, Advocate
For the Opposite Party/s: Mr.Zainul Abedin, APP

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

3 05-03-2020 Heard learned counsel for the petitioner, learned
counsel for the informant and the State.

Petitioner in the present case is seeking anticipatory
bail in connection with Town P.S. Case No. 563 of 2019
registered for the offence punishable under Sections 420, 406,
379 of the Indian Penal Code.

Learned counsel for the petitioner submits that the
F.I.R. has been lodged by the Regional Manager of the
Transport Company alleging that during his posting as Branch
Manager of the company at Muzaffarpur, the petitioner did not
deliver the goods worth Rs.7,52,082/- and 14,48,909/-
respectively to the two customers who made complaint and



when an audit was conducted it was found that in some more cases, the petitioner has misappropriated the goods and the money paid by the customers.

Learned counsel for the petitioner submits that although these allegations have been made by the Regional Manager of the company but these are only motivated allegations as till date none of the customers have come forward to support the prosecution case and in the case diary the I.O. has not recorded the statements of the parties whose dues are said to have been there and the petitioner has allegedly misappropriated the same.

Learned counsel for the informant submits that the fact that the petitioner being branch manager of the company had not delivered the goods to the two parties came to the notice of the informant only on receipt of legal notice and thereafter when an audit was conducted, it was found that the petitioner has misappropriated around Rs.21,88,631/- details of which have been provided to the investigating officer and the same has come in the case diary.

Learned counsel for the State has also opposed the prayer for anticipatory bail of the petitioner.

Considering the facts and circumstances of the case,



particularly the allegations in the F.I.R. and the materials collected so far showing that the petitioner while posted as Branch Manager has not delivered some of the goods and in course of audit it has come that he has misappropriated some money also and the investigation is still going on, this Court is not inclined to grant anticipatory bail to the petitioner.

In case he surrenders and prays for regular bail within a period of four weeks from today before the learned court below, his prayer for regular bail shall be considered at its own merit without being prejudiced by the present order.

(Rajeev Ranjan Prasad, J)

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