

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 31832 of 2020

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

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Monu Kumar @ Monu Kumar Tiwari, aged about 32 years, Gender-Male, Son of Om Prakash Tiwari, Resident of Village-Fatahpur, Near-Hardi, P.S.-Paroo, District-Muzaffarpur, At present residing at Basant Bihar Colony Road No.1, Near Air Tell Tower, Kolhua, Paigambarpur, P.S.-Ahiyapur, District-Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Bhola Prasad, Advocate
For the State	:	Mr. Mukesh Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN
AMANULLAH

ORAL JUDGMENT

Date : 08-01-2021

Heard Mr. Bhola Prasad, learned counsel for the petitioner and Mr. Mukesh Kumar, learned Additional Public Prosecutor (hereinafter referred to as the ‘APP’) for the State.

2. The petitioner is in custody in connection with Town PS Case No. 563 of 2019 dated 28.06.2019, instituted under Sections 420/406/379 of the Indian Penal Code.

3. The allegation against the petitioner is that he was the Muzaffarpur Branch Manager of Gerc Logistics and despite the company having sent goods of about rupees seven and a half lakhs and 14 and a half lakhs, the same was not delivered to the



concerned customers and when the petitioner was called upon to explain, he disappeared from the branch.

4. Learned counsel for the petitioner submitted that in the FIR there is no description as to who has made complaint with regard to non-receipt of goods and further as to whether the informant who is the Regional Manager of the Company was authorized to lodge the FIR. Learned counsel submitted that the police have also not investigated as to whether the so-called goods were received by the persons concerned and only on vague allegation, he has been made accused and is also in custody since 18.05.2020.

5. Learned APP, from the case diary, submitted that during investigation, the concerned traders have supported the prosecution case stating that the petitioner was the person responsible for non-delivery of their goods and further that other traders had also faced similar situation due to the petitioner selling their goods elsewhere for which they had raised claim from the Company. Thus, learned APP submitted that the allegation in the FIR has been corroborated by the victims.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, the Court is not inclined to enlarge the petitioner on bail.



7. Accordingly, the application stands dismissed.
8. However, the Court below shall expedite the trial.

(Ahsanuddin Amanullah, J.)

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