

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No 23445 of 2022**

Arising Out of PS. Case No.-615 Year-2021 Thana- CHAPRA TOWN District- Saran

SHIVESH KUMAR TIWARI SON OF ANAND KUMAR TIWARI R/O
VILLAGE- MUBARKPUR, P.S.- MANJHI, DISTRICT- SARAN

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR
2. Subhas Kumar, Branch Manager Secure Value India Ltd. Jagdishpur Lane No. 3, Near Mithapura Pani Tanki, Blew Nirmal Girls Hostel, P.S- Mithanpura, Distt.- Muzaffarpur, Pin- 842002.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr Shashi Shekhar Tiwary, Advocate
For the Opposite Party/s : Mr Satya Nand Shukla, APP

CORAM: HONOURABLE MR JUSTICE PRABHAT KUMAR SINGH

ORAL ORDER

8 18-08-2023 Heard learned counsel for the petitioner and the learned APP.

2 The petitioner apprehends arrest in Town PS Case No 615 of 2021 registered for the offence punishable under Sections 420, 406, 120B of Indian Penal Code.

3 As per the prosecution case, the petitioner and other accused persons used to upload money in ATM. Co-accused Munna Kumar Pathak was authorized to draw money from the bank. During the period from 07.10.2021 to 10.10.2021, shortage of Rs 1,57,35,400/- was found after audit. It is alleged that the petitioner and others misappropriated the amount.

4 Learned counsel for the petitioner submits that this



petitioner has been falsely implicated in this case with a view to appoint Sushant and Aaditya who are close relatives of the Branch Manager and were allowed to join on the same post which was held by the petitioner one month back. He further submits that when first audit was done, a shortage of Rs 92,500/- was detected between the period 07.10.2021 to 10.10.2021 in the ATM. Without verifying the matter, the petitioner was directed to pay the shortage amount.

5 Learned APP has vehemently opposed the prayer for anticipatory bail. It is submitted that this petitioner has misappropriated huge amount of money which was detected in audit.

6 Considering the rival submissions, I do not find it a fit case for grant of anticipatory bail. The same is rejected.

(Prabhat Kumar Singh, J)

M.E.H./-

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