

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.76298 of 2023

Arising Out of PS. Case No.-92 Year-2021 Thana- MEHSI District- East Champaran

NITISH KUMAR SHARMA DS/O EO NARAYAN SHARMA R/O VILL -
VASHDHIYA, P.S. - DALSINGHSARAI, DIST - SAMASTIPUR

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Abhishek Kumar

For the Opposite Party/s : Mr. Shyameshwar Dayal

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

- 4 21-03-2024 1. Heard learned Counsel for the petitioner and learned Additional Public Prosecutor for the State.
2. This application, for grant of anticipatory bail, arises out of Mehsi Police Station Case No. 92 of 2021, dated 29.04.2021, disclosing offences under Sections 406 and 420 of the Indian Penal Code.
3. The prosecution case, as per the First Information Report, is that on 01.02.2021, the petitioner, through e-mail, resigned from the post of Operational Staff (Grade-II) from the Blue Dart Express Limited, where he used to receive and distribute articles. The company issued a letter to him, stating therein, that as per company rules, 30 days notice period has to be served and NOC has to be obtained before resigning and directed the petitioner to



handover the charge. However, the petitioner did not respond to the letter of the company and/or appeared in the office thereafter. In the meantime, during the course of audit, it has come that articles worth a sum of Rs. 1,32,452/- has been misappropriated by the petitioner, details of which is mentioned in the written report of the informant. Thereafter, a letter was issued to the petitioner, but neither did he appear in the office nor did he return the articles and/or amount.

4. Learned Counsel for the petitioner submits that the petitioner has not committed any offence in the manner alleged and has falsely been implicated in the present case due to oblique motive. He next submits that the petitioner went to the office after sending resignation and has already handed over all shipment and cash and there is no arrears against him. He further submits that when the petitioner demanded his due salary, the company has lodged the present case with false and concocted allegation, wherein, the details of customers and articles are not mentioned.
5. I have heard learned counsel for the parties and have gone through the materials available on record, including the



impugned order.

6. From perusal of the First Information Report, it appears that articles given to the petitioner for distribution of the same among the customers of the company have been misappropriated amounting to Rs. 1,32,452/-. Details of articles to be delivered to the customers by the petitioner has specifically been mentioned in the First Information Report itself and the petitioner has not shown any material to suggest that he has handed over entire shipment and amount collected by him to the company.
7. In view of the seriousness of the allegation that petitioner has misappropriated/embezzled the articles to be delivered to customers of the company, I am not inclined to grant the petitioner privilege of anticipatory bail.
8. This application is, accordingly, rejected.

(Anil Kumar Sinha, J)

ashwani/-

U		T	
---	--	---	--

