

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43535 of 2024

Arising Out of PS. Case No.-1228 Year-2023 Thana- ARARIA District- Araria

Shashi Kumar Dubey Son of Sri Dinanath Dubey Resident of Village - Mohan Chowk, P.O.- Akhtiyarpur, P.S.- Bikram, District - Patna, Pin Code - 801104.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Rajesh Kumar Son of Suresh Prasad Gupta Resident of village - Girhinda Chowk, District - Shekhpura, Pin Code - 811105 presently working as Director of Girhinda Automobiles Private Limited (T.V.S. Bike Showroom), N.H.- 327 E, Araria, Raniganj Road near S.S.B. Camp

... .. Opposite Party/s

with
CRIMINAL MISCELLANEOUS No. 60762 of 2024

Arising Out of PS. Case No.-1228 Year-2023 Thana- ARARIA District- Araria

Om Prakash Nishad @ Om Parkash Nishad Son of Late Sahavir Singh @ Sabir Bahardar @ Sahbir Singh Resident of Khawaspur, Ward No. 7, P.S.- Simraha, Distt.- Araria

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :
(In CRIMINAL MISCELLANEOUS No. 43535 of 2024)
For the Petitioner/s : Mr.Gyanand Roy
For the Opposite Party/s : Mr.Mukesh Kumar Singh
(In CRIMINAL MISCELLANEOUS No. 60762 of 2024)
For the Petitioner/s : Mr.Ranjeet Choubey
For the Opposite Party/s : Mr.Bharat Lal

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

8 03-07-2025 Heard learned counsel for the petitioner and learned
A.P.P for the State in both the aforesaid bail petitions.



2. The petitioner (in both these cases) apprehends arrest in Araria P.S. Case No. 1228 of 2023, registered for offence punishable under Sections 406, 420, 120(B), 379 & 34 of the Indian Penal Code.

3. As per prosecution case, the informant, who is Director of Automobiles company, has alleged that Shashi Kant Dubey (petitioner in Cr.Misc. No. 43535/24), who was sales manager of the company, was given full responsibility of the show-room, but when the audit was conducted, it was found that total 373 TVS motorcycles were purchased from the show-room by different dealers/customers, out of which, 43 vehicles of different models were given to the outlet of Om Prakash Nishad @ Om Prakash Nishad (petitioner in Cr.Misc. No. 60762/24) on the online price of Rs. 50,59,867/-, but in company account, only Rs. 9,50,000/- was deposited and no account was maintained with regard to rest amount. It is further alleged by informant that after company audit, no trace of 26 vehicles, out of 373 vehicles, has been found, of which, ex-showroom price comes to Rs. 23,03,189/- and in this way, both these petitioners grabbed the aforesaid amount of the company.

4. Learned counsel for the petitioner (*in Cr.Misc. No. 43535/24*) submits that petitioner was salesman of the company



and has been falsely implicated in this case by the informant in order to conceal his own act of illegal transfer of amount from the company to account of Girhinda Motors. He further submits that during course of investigation, the police has already recovered the vehicles, which were alleged to be traceless, from the showroom of Om Prakash Nishad @ Om Prakash Nishad (petitioner in Cr.Misc. No. 60762/24) and as such, allegation made in the F.I.R. is false and fabricated. Petitioner claims clean antecedent.

5. Learned counsel for the petitioner (*in Cr.Misc. No. 60762/24*) submits that petitioner is commission agent and no role has been played by him in the concerned matter. Moreover, the traceless vehicles have already been recovered and as such, no question of grabbing amount of company arises. Petitioner claims clean antecedent.

6. Learned A.P.P. for the State (in both cases) have opposed the prayer for anticipatory bail and submitted that petitioners are named in the F.I.R. with specific accusation that they embezzled amount of company. The seizure list witness Yogendra Kumar has deposed that these petitioners, who are sales manager and commission agent, conspiring with each other, sold 26 vehicles of company and grabbed money.



7. Considering the nature of accusation, both the
aforesaid anticipatory bail petitions are rejected.

(Prabhat Kumar Singh, J)

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