IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.54873 of 2024
Arising Out of PS. Case No.-934 Year-2022 Thana- SUPAUL District- Supaul

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Rupesh Kumar Son of Sri Bamabahadur Thakur Resident of Village - Fasiya, P.S. - Pipara, District – Supaul ... ... Petitioner

Versus

1. The State of Bihar
2. Sanjay Kumar Pandey S/o- Sri Shyam Naryan Pandey Permanent Resident of Sheikhpura, Gauraiya Sthan, Patna, Bailey Road. P.S.- Hawai Adda, District- Patna. At Present Sales Manager, TVS Credit Service Ltd. Supaul

... ... Opposite Party/s

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Appearance :
For the Petitioner/s : Mr. Akash Anand, Advocate
For the Opposite Party/s : Mr.Pramod Kumar Pandey, A.P.P.
Mr.Amit Srivastava, Senior Advocate
Mr. Akash Keshav, Ms. Akanksha, Advocates

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

14 07-07-2026 Heard learned counsel for the parties.

2. Petitioner apprehends arrest in a case registered for the offence punishable under sections 420 and 406 of the Indian Penal Code.

3. As per prosecution case, informant, who is Sales Manager of TVS Credit Services Ltd., stated that petitioner Rupesh Kumar is working in the said company and his duty was assigned by him for the collection of cash. He further alleged that from December, 2021 to up to the giving of this written application, petitioner misappropriated the cash of this company worth of Rs.5,55,855/-. Informant further alleged that 25 customers have also made allegation against this accused/ petitioner. When the informant tried to interrogate the petitioner,

he did not give any cogent reply and not handed over any receipt.

4. Learned counsel appearing for the petitioner submits that the entire allegation against the petitioner is absolutely false, concocted and baseless. Petitioner has not misappropriated the cash of this company worth Rs. 5,55,855/- and the said 25 customers have not made allegation against him. As a matter of fact, allegation has made against the petitioner by only by the informant because some complaint had been made to the higher authority of the said company against informant and others earlier by the petitioner. The informant has not tried to interrogate the petitioner and when the informant tried to interrogate the petitioner in this regard then the petitioner might have given correct and cogent reply and entire money receipts have been given to the all customers by petitioner by computer message on their mobile i.e. no question of hand money receipts in this digital cash less time and all 25 customers have received no dues by their accounts details which show the falsity of this case. Petitioner claims clean antecedent.

5. Learned counsel for the State and the informant opposed the prayer for bail. Learned counsel for the informant has filed counter affidavit. It has been submitted that after due

inquiry and appropriate findings based on different complaints received from customers, it has come to the light that in total the petitioner has misappropriated an amount of Rs. 5,55,855/- . It has also been unearthed that there is severe lacuna on the part of petitioner as he has taken money in the name of EMI from the customers of the company but he has not deposited any of them in the concerned account. There are more than 20 complaints from the customers that has been received by the company and after inquiry it has been found that the petitioner has already collected the amount from those customers but he has not deposited the same with the company due to which the company had to wave off several EMI's of the customers which they had paid to the petitioner who is the employee of the company and the company has suffered loss of around Rs. 5,55,855/-.

6. Considering the nature and gravity of accusation, prayer for bail of the petitioner is rejected.

(Prabhat Kumar Singh, J)

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