

**(2021) 03 PAT CK 0108**

**Patna High Court**

**Case No:** Criminal Miscellaneous No. 31989 Of 2020

Amit Kumar Dubey

APPELLANT

Vs

State Of Bihar

RESPONDENT

**Date of Decision:** March 12, 2021

**Acts Referred:**

- Indian Penal Code, 1860 - Section 406, 420

**Hon'ble Judges:** Ahsanuddin Amanullah, J

**Bench:** Single Bench

**Advocate:** Raj Kumar, Sharda Kumari

**Final Decision:** Dismissed

### **Judgement**

1. Heard Mr. Raj Kumar, learned counsel for the petitioner and Ms. Sharda Kumari, learned Additional Public Prosecutor (hereinafter referred to as the "APP") for the State.
2. The petitioner apprehends arrest in connection with Malsalami PS Case No. 426 of 2019 dated 16.11.2019, instituted under Sections 406, 420 of the Indian Penal Code.
3. The allegation against the petitioner is that there was huge shortfall in the godown of which he was in-charge amounting to almost rupees twenty-three lakhs.
4. Learned counsel for the petitioner submitted that he was not the only person in-charge of the PACS where there was shortfall. It was further submitted that prior to the present case he has filed a complaint case against the informant and others wherein, grievance is that they were somehow

trying to remove him from service. Learned counsel submitted that the petitioner has no criminal antecedent. It was further submitted that the allegation in the FIR is that the incident took place on 05.07.2019, whereas, the FIR has been lodged on 16.11.2019 i.e., after four months, for which there is no explanation.

5. Learned APP submitted that there is specific allegation of there being shortfall of goods worth almost rupees twenty-three lakhs. It was submitted that the petitioner was in-charge of the godown and, thus, he has to take responsibility as he had not made any complain with regard to any shortfall of articles. It was further submitted that the informative petition by the petitioner has no relevance in the present matter as it is with regard to grievance relating to there being conspiracy to remove him from his job. Learned APP further submitted that there is no delay as the shortfall was detected at the time of filing of the FIR and it was the petitioner, who was the in-charge of the godown and, thus, what has been done by the informant, was upon verification of the godown, when the shortfall came to the notice of the informant and the company.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, the Court is not inclined to grant pre-arrest bail to the petitioner.

7. Accordingly, the application stands dismissed.