

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.51553 of 2014

Arising Out of PS.Case No. -274 Year- 2014 Thana -MOHANIA District- BHABHUA (KAIMUR)

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1. Binod Kumar Bajpayee S/o Late Bhagwati Prasad Bajpayee Proprietor
M/s Pawan Carrying Corporation, resident of 133/282, T.P. Nagar, Kanpur (U.P.)

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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with

Criminal Miscellaneous No.9538 of 2015

Arising Out of PS.Case No. -274 Year- 2014 Thana -MOHANIA District- BHABHUA (KAIMUR)

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1. Niranjan Prasad Yadav son of Rameshwar Prasad Yadav resident of village - Salempur, P.S. - Tharfari, District - Nalanda, owner of truck no.....

2. Upendra Jaiswal son of Late Jagropan Jaiswal resident of village - Dirkhili, P.S. - Pargawati, District - Kaimur, Bhabhua.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

(In Cr.Misc. No.51553 of 2014)

For the Petitioner/s : Mr. Kumari Seema, Advocate

For the Opposite Party/s : Mr. Ramesh Chandra(App)

(In Cr.Misc. No.9538 of 2015)

For the Petitioner/s : Mr. Kumari Seema, Advocate

For the Opposite Party/s : Mr. Asha Kumari (App)

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CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA

ORAL ORDER

2 19-05-2015 Both the cases are of the same P.S. and as such have been heard together and being disposed of by common order.

Heard learned counsel for the petitioners and

learned counsel representing the State.

The petitioners apprehending their arrest in connection with Mohania P.S. Case No. 274 of 2014 registered for the offence under Sections 415, 420, 406, 407, 409 and 120B of the Indian Penal Code seeks privilege of pre arrest bail.

Allegedly, at the check post at the State Boarder of Bihar the truck of accused transporter was entering into the State with forged paper showing that the tax was paid and the transporter, the truck owner and driver being in collusion and conspiracy have committed the offences.

On behalf of the petitioners, it has been submitted that the petitioner Niranjan Prasad Yadav is transporter and tax amount of Rs. 1,72,600/- has been deposited by the owner of the goods. The driver has already been granted bail by the learned Sessions Judge and it has been observed that it is a matter of tax evasion and as tax amount has already been paid, the petitioner Niranjan Prasad Yadav is truck owner and Upendra Jaiswal carrying and forwarding agent and as such all the three petitioners deserves sympathetic consideration to which the learned A.P.P. opposes.

Considering that the tax amount of Rs. 1,72,600/- has already been deposited through challan vide Annexure-2 and as such the above named petitioners in case of arrest or surrender before the court below within two months from the date of receipt/production of a copy of this order shall be

released on bail on execution of bail bond of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Bhabhua, Kaimur in connection with Mohania P.S. Case No. 274 of 2014 with condition as laid down under Section 438(2) Cr.P.C.

(Jitendra Mohan Sharma, J)

P.K./-

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