

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.35398 of 2014

Arising Out of PS.Case No. -379 Year- 2012 Thana -MOHANIA District- BHABHUA (KAIMUR)

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1. Sunil Kumar Shaw S/o Sri Nand Lal Shaw resident of 6/2A/H/4
Cossipore Road, P.S.- Chiptpur, Kolkata
2. Sukhdeo Singh S/o Raghubir Singh, resident of Rathtalla, P.S.- Rathtalla
Barasat, Dist.- West 24 Pargana, West Bengal

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Abhay Kumar Singh, Advocate.

For the Opposite Party/s: Mr. Shantanu Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE MIHIR KUMAR JHA
ORAL ORDER

2 11-02-2015

Heard learned counsel for the parties.

Having regard to the nature of allegation against the petitioners for offence under sections 406, 407, 409, 415, 420 and 120B of the Indian Penal Code and under Section 82(2)B, 81(3)C and 81(4) of the Bihar Sales Tax Act, 2005 as well as the admitted position that the petitioners have already deposited the amount of tax pursuant to a Division Bench order of this Court and the co-accused, having identical allegations, have already been directed to be released on bail vide orders dated 12.04.2013 in Cr. Misc. No. 10281 of 2013, (Pawan Kumar Rajgarhiaya) and on 15.04.2013 in Cr. Misc. No. 10769 of 2013 (Suraj Kumar Yadav) and that the petitioners have got no criminal antecedent, this Court would also for maintaining the parity direct the petitioner to be released on bail.

That being so, if the petitioners, namely, Sunil Kumar

Shaw and Sukhdeo Singh, surrender within a period of four weeks from today, the court below shall released the petitioners on bail on furnishing bail bond of Rs. 10,000/- each with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Kaimur at Bhabhua in connection with Mohania P.S.Case No. 379 of 2012, subject to the following conditions:

- (i) That both the bailors will be a close relative of the petitioners, who will undertake an affidavit giving genealogy as to how they are related with the petitioners. The bailors will also undertake to inform the court if there is any change in the addresses of the petitioners.
- (ii) That the affidavit shall clearly state that the petitioners are not accused in any other case and if they are, they shall not be released on bail.
- (iii) That the bailors shall also state on affidavit that they will inform the court concerned, if the petitioners are implicated in any other case of similar nature after their release in the present case and thereafter the court below will be at liberty to initiate the proceeding for cancellation of bail on the ground of misuse.
- (iv) That the petitioners will be well represented

on each and every date in course of trial and if they fail to do so on two consecutive dates, their bail will be liable to be cancelled on this ground alone.

(Mihir Kumar Jha, J)

Sujit/-

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