IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.33023 of 2015

Arising Out of PS.Case No. -98 Year- 2015 Thana -RAJAULI District- NAWADA

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Sidheshwar Prasad Yadav, Son of Late Badri Yadav, Prop. Maa Coal Depot, R/o - Chitrakoli, P.S. - Rajauli, District - Nawada

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :
For the Petitioner/s : Mr. Amresh Kumar Sinha, Advocate
For the Opposite Party/s : Mr. Amit Kr.Rakesh(APP)

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CORAM: HONOURABLE JUSTICE SMT. ANJANA MISHRA
ORAL ORDER

2 21-08-2015 Heard learned counsel for the petitioner and the learned counsel for the State.

The petitioner is apprehending his arrest in connection with Rajauli P.S. Case No.98 of 2015 registered for the offence under Sections 420, 467, 468, 471, 414, 379 and 120B of the Indian Penal Code.

Learned counsel for the petitioner submits that a 12-wheeler Truck, bearing Registration No.JH02Y-5589, which was coming from Dilor Ghati (Kodarma) was intercepted and out of sheer apprehension, the truck Driver and Khalasi had fled away leaving the said truck. It is submitted that the truck, which was found loaded with coal, had contained tax token, national permit, insurance paper, registration paper, fitness certificate and also contained valid Suvidha papers by A.B. Enterprises, Dhanbad and weight of the coal was 20.100 Metric Tonne.

The allegation against the petitioner is that the petitioner in conspiracy with the Commercial Tax Officer, Rajauli Check-post had got some fake documents prepared and on account of such papers the revenue had suffered a loss, which was valued at Rs.1,40,000/-, but the papers were prepared only for an amount of Rs.60,149/-. Thus, the petitioner had entered into a conspiracy and obtained Suvidha Incoming Form D-9 at Rajauli Check-post. It was further alleged that Suvidha papers prepared in favour of MAA KOL DIPU, Hardiya, Rajauli was non-existent firm and, therefore, the petitioner is committing theft of revenue in conspiracy with the coal purchaser, seller and Commercial Tax Officer.

Learned counsel for the petitioner submits that the petitioner, being the owner of MAA KOL DIPU, has been duly registered with the Commercial Tax Department, which is evident from Form `B’ dated 28.3.2014 and also from Form `C-1’, which is a certificate of registration under Section 19 of the Bihar Value Added Tax Act, 2005 and thus the question of the petitioner’s firm being non-existent does not arise and the entire allegations as made against him are misconceived.

Considering the aforementioned facts and circumstances and that the petitioner is having coal business since long, let the petitioner, above named, in the event of his arrest or surrender before the court below within a period of three weeks from the date of receipt/production of a copy of this order, be released on bail on furnishing bail bond of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Nawada, in connection with Rajauli P.S. Case No.98 of 2015, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Anjana Mishra, J)

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