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Arising Out of PS.Case No. -133 Year- 2015 Thana -RAMGARH District- BHABHUA (KAIMUR)

..... Petitioner

The State of Bihar

.... Opposite Party

For the Petitioner/s : Mr. Viveka Nand Singh, Advocate

For the Opposite Party/s : Mr. Pushpa Sinha, APP

CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

2 11-09-2015 Heard learned counsel for the petitioner and
learned Assistant Public Prosecutor for the State.

It is alleged against the petitioner that he was running a brick kiln in the financial year 2013-14 and 2014-15 without depositing the tax which was required to be deposited. It is submitted on behalf of the petitioner that no offence punishable under Sections 409 and 420/34 IPC is made out against the petitioner on the basis of allegation as contained in the First Information Report. He further submits that the petitioner is ready to pay the required tax for the financial year 2013-14, but states

that there would be no question of payment of tax for the financial year 2014-15 as he was not running the said brick kiln during the said period.

Learned counsel representing the petitioner appears to be right in his submission that on the basis of allegation as contained in the FIR, no offence punishable under Sections 409 and 420/34 IPC is made out.

Accordingly, this application is allowed. Let the petitioner above named, in the event of his arrest or surrender before the Court below within six weeks from today, be released on bail on furnishing bail bonds of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Kaimur at Bhabhua in Ramgarh (Nuaon) PS Case No. 133 of 2015, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

This is subject to the condition that the petitioner shall present himself before the Police/Court, as the case may be, and when required and in the event of failure on his part to appear before the Court on two consecutive occasions, his bail bonds shall be liable to be cancelled.

(Chakradhari Sharan Singh, J)

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