

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No. 22415 of 2016

Arising out of P.S. Case No. -292 Year- 2014 Thana -CIVIL
LINE District- GAYA

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Avinash Kumar Son of Shri Mahendra Prasad, Resident of
Village- Ekangarsarai, P.S.- Ekangarsarai, District- Nalanda.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Department of Income Tax through Chief Income Tax
Commissioner, Patna. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Bijendra Prasad Sinha, Adv.

For the Opposite Party/s: Mr. T.P. Mandal (APP)

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**CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR
JHA**

ORAL ORDER

03. 25.07.2016

Heard both sides.

The Petitioner apprehends his arrest in Gaya Civil
Lines P.S. Case No. 292 of 2014 registered for the offences
punishable under Section 420 of the Indian Penal Code.

The Informant who is the Income Tax Officer alleged
that Md. Shahid Anwar fraudulently withdrew amount from
Central Government Account in the form of Income-tax
refund and deposited the said amount with the connivance of
different account holders. The name of the petitioner figured
at Serial No. 31 and Rs. 2,94,300/- was credited in the
Account of petitioner bearing No. 31074236940.

It is submitted that that the petitioner has already
credited Rs. 2,14,377/- in the account of Income Tax
Department, Central Government and Rs. 79,923/- is lying
due. The petitioner undertakes to deposit Rs. 79,923/- in the
account of the Income Tax Department, Central Government

within one month from today. He further submits that similarly situated co-accused, Kush Kumar and Sanjay Kumar had been granted anticipatory bail by the order dated 02.07.2015 passed in Cr. Misc. No. 8740 of 2015.

Taking into consideration that Md. Shahid Anwar is alleged to have credited the account of different account holders and the petitioner is one of the beneficiary but he has undertaken to return the remaining amount i.e. Rs. 79,923/- in one month, the Petitioner, above named, in the event of his arrest or surrender before the learned Court below within a period of six weeks from the date of receipt/production of a copy of this order, is directed to be enlarged 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, Gaya in connection with Gaya Civil Lines P.S. Case No. 292 of 2014 subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

If the petitioner fails to deposit Rs. 79,923/- within one month from the date of this order in the account of Income Tax Department, Central Government, his bail bonds shall be cancelled.

(Prabhat Kumar Jha, J.)

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