

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.11527 of 2016

Arising Out of PS.Case No. -409 Year- 2015 Thana -BAGHA District-
WESTCHAMPARAN(BETTIAH)

Nand Kishore Prasad S/o Vishwanath Prasad, Resident of village -
Dombaliya, P.S. Bagha Distt.- W. Champaran

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

with

Criminal Miscellaneous No.19344 of 2016

Arising Out of PS.Case No. -409 Year- 2015 Thana -BAGHA District-
WESTCHAMPARAN(BETTIAH)

Sahdeo Prasad son of Laxan Prasad, Resident of village- Naraipur, P.S.-
Bagaha (Pathkhauli), District- West Champaran

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

Appearance :

(In Cr.Misc. No.11527 of 2016)

For the Petitioner : Mr. Chandra Mohan Jha, Advocate.

For the Opposite Party : Mr. Anish Chandra(App)

(In Cr.Misc. No.19344 of 2016)

For the Petitioner : Mr. Zainul Abedin, Advocate.

For the Opposite Party : Mr. R.B.Roy Raman(App)

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

5 24-11-2016 Heard both sides.

The petitioners apprehend their arrest in Bagaha
(Patkhauli) P.S. Case No. 409 of 2015 registered for the offences
punishable under Sections 467, 468, 406 and 420 of the Indian
Penal Code.



Priyaranjan Singh, the Excise Superintendent, West Champaran, Bagaha alleged that shop of country made wine of group no. 63 was standing in the name of Sahdeo Prasad for the financial year 2014-15. Sahdeo Prasad deposited T.D. No. 14924 to 14928 worth Rs. 2,23,000/- and Nand Kishore Prasad deposited fixed deposit no. 5030003726785 of H.D.F.C. bank worth Rs. 4 lakhs. Both the securities were placed vide letter no. 1596 and 1597 dated 25.06.2014. Kameshwar Prasad, the agent of Sahdeo Prasad, licensee, received the entire documents along with letters and the same to be returned to the office. Kameshwar Prasad, the agent of Sahdeo Prasad is the own brother of Nand Kishore Prasad. The license of Sahdeo Prasad of shop of group no. 63 was superseded for violations of the terms of the license on 10.02.2015 and the securities were forfeited but, it transpired that Kameshwar Prasad who had received the securities along with the documents did not return the securities. Letters were written to post office and H.D.F.C. bank. It transpired that Nand Kishore Prasad misappropriated the entire amount which was placed with the Excise Department and the term deposit pass book issued by the post office was not presented.

Learned counsel appearing on behalf of petitioner Sahdeo Prasad submits that Kameshwar Prasad is his agent and he



is brother of Nand Kishore Prasad who in collusion with his own brother took out the documents placed to the department. Sahdeo Prasad did not withdraw the amount from the post office. It is further submitted that petitioner Nand Kishore Prasad has no manner of concern with the license and he is also not at all concerned with the works of Kameshwar Prasad. Although, Kameshwar Prasad happens to be own brother of Nand Kishore Prasad but from perusal of records, it transpired that Sahdeo Prasad took license of country made shop of group no. 63 for the financial year 2014-15. Sahdeo Prasad and his wife deposited the security money, the TDS documents for taking the license of the shop and he entered into an agreement with Nand Kishore Prasad according to which Nand Kishore Prasad was running the shop of country made liquor. Some terms and conditions of the license was breached and, therefore, the license issued in favour of Sahdeo Prasad was cancelled and securities deposited by Nand Kishore Prasad and Sahdeo Prasad were ordered to be forfeited but, it transpired that Kameshwar Prasad had already taken both the securities standing in the name of Nand Kishore Prasad and Sahdeo Prasad and his wife. Nand Kishore Prasad has withdrawn the amount from the H.D.F.C. bank.

Considering the facts aforesaid and the fact that both

the petitioners have played fraud upon the department to withdraw the money pledged to the department, I am not inclined to enlarge the petitioners above named on anticipatory bail. Accordingly, the same is rejected.

(Prabhat Kumar Jha, J.)

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