

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.15706 of 2016

Arising Out of PS.Case No. -74 Year- 2014 Thana -KOTWALI District- MUNGER

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Om Prakash Yadav Son of Umesh Yadav @ Cheddi Yadav Resident of
Mohalla-Kasim Bazar, P.S.-Kasim Bazar, District-Munger.

.... Petitioner

Versus

he State of Bihar through Vigilance Department Govt. of Bihar, Patna

.... Opposite Party

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Appearance :

For the Petitioners : Mr. N.K. Agrawal, Sr. Advocate
Mr. Sumeet Kumar Singh,
Mr. Abhiprav Singh,
Mr. Satyendra Pd. Singh, Advocates
For the Opposite Party : Mr. V.N.P. Sinha, Sr. Advocate
Mrs. Soni Shrivastava, Advocate

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL ORDER

7 15-02-2017

Heard learned senior counsel for the petitioner and
learned senior counsel for the Economic Offence Unit.

2. The petitioner apprehends his arrest for the
offences alleged under Sections 406, 409, 420, 467, 468, 471 and
120B of the Indian Penal Code and Sections 7/12/13/14 of the
Prevention of Corruption Act and also Sections 65/66(ii)/72 of the
Information Technology Act registered in connection with Special
Case No. 37(A) of 2014 arising out of Kotwali (Munger) P.S. Case
No. 14 of 2014.

3. Mr. N.K. Agrawal, learned senior counsel appearing
on behalf of the petitioner, submits that the petitioner has been
falsely implicated and the allegation that the petitioner has not
appropriately deposited the licence fee for the months from
August 2013 to December, 2013 is erroneous. As against the
amount of non-deposit of Rs. 2,88,000/- mentioned in the FIR, the
amount has subsequently been escalated by more than 15 times. It
is submitted that other co-accused, namely, Kailash Kumar, Mazid



Ahmad and Sanjeev Kumar Yadav have been granted anticipatory bail by this Court in Cr. Misc. No. 26139 of 2014, Cr. Misc. No. 23683 of 2014 and Cr. Misc. No. 25149 of 2015 on conditions. It is further submitted that out of three shops of the petitioner, two shops have been given to one Manoj Kumar Soni. The petitioner claims clean antecedents.

4. Mr. V.N.P. Sinha, learned senior counsel appearing on behalf of the Economic Offence unit, on the other hand, vehemently opposed the anticipatory bail application submitting that in course of investigation, the petitioner was found to be in arrears of Rs. 46,15,315/- and payments claimed by the petitioner appears to have been made through forged Challan. The aforesaid Manoj Kumar Soni to whom the petitioner claims to have given two shops for being run to, which fact is disputed, has also been made accused.

5. Having regard to the entirety of the facts and circumstances of the case, in the event of the petitioner's arrest or surrender before the court below within six weeks from the date of communication of this order, let the above named petitioner be released on bail on furnishing bail bonds of Rs.10,000/- (ten thousand) with two sureties of like amount each to the satisfaction of learned Special Judge, Vigilance II, Patna in connection with in connection with Special Case No. 37(A) of 2014 arising out of Kotwali (Munger) P.S. Case No. 14 of 2014, subject to the conditions as laid down under Section 438 (2) Cr.P.C. and also subject to the following further conditions –

(i) That the petitioner shall deposit an amount of Rs. 10,00,000/- (Rupees ten lakhs) before the learned court within a period of three months from today, which shall remain subject to the result of the trial.

(ii) That one of the bailors shall be a close relative of the



petitioner.

(iii) That the petitioner shall not indulge in any similar offence till conclusion of the trial.

(iv) The petitioner shall cooperate with the investigation and make himself available as and when so required and in case of failure, the State shall be at liberty to move for cancellation of bail.

(iv) That the petitioner shall remain physically present in court on each and every date during trial and in the event of failure on two consecutive dates without sufficient reason, his bail bond shall be liable to be cancelled by the learned Court concerned.

(Vikash Jain, J)

B.T/Chandran

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