

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.51352 of 2016

Arising Out of PS.Case No. -315 Year- 2015 Thana -BARHARIA District- SIWAN

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Prabhu Yadav, S/o Indrashan Yadav, R/o Shiyadi Karn, P.S. Badhariya,
Distt. - Siwan

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ajay Kumar Tiwary, Advocate.

For the Opposite Party/s : Mr. Amitesh Kumar, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

5 09-02-2017 Heard learned counsel for the petitioner and the State.

The petitioner seeks anticipatory bail in a case
instituted for the offence under Sections 406 and 420 of the Indian
Penal Code.

It has been submitted that the Excise Department has
earlier filed Certificate Case against the petitioner on 4.8.2014
claiming recovery of Rs.9,08,200/- on account of default in
payment of earnest money for the sale of liquor as required for the
months of January and February, 2014. It has further been
submitted that for the demand of the same period, a Cr. Misc.
case has also been filed on 1.10.2015 by the Excise Department
making claim of Rs.7,00,000/-. There is dispute of settlement of
account and the petitioner has not committed any type of cheating
with the department. He is always ready to make the payment



after proper accounting. He has already appeared in the Certificate Case before the Certificate Officer.

As per written report, after cancellation of license of the petitioner in the year 2013-2014, the Sub Postmaster, Siwan, informed the informant that there is no deposit of Rs.7,00,000/- in the account as required.

Counsel for the petitioner submits that after depositing of the aforesaid amount only, the license was issued by the department concerned in the year 2013-14 and he has not committed any cheating with the department.

In the aforesaid circumstances, since it appears to be a case of dispute of accounting, let the petitioner above named in the event of surrender within six weeks from the date of receipt of this order, in connection with Barharia P.S. Case No. 315 of 2015, shall be released on anticipatory bail on furnishing bail bond of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of Additional Chief Judicial Magistrate-VI, Siwan, subject to the conditions as laid down under Section 438 (2) Cr. P.C.

(Sanjay Priya, J)

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