

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.53492 of 2017

Arising Out of PS.Case No. -233 Year- 2017 Thana -PIRBAHOR District- PATNA

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Jagdish Kumar Jain, son of late Bichcha Ram jai, previously proprietor of
M/s Shri Tulsi, Khetan Super Market, C/o Manisha Garments, S-106,2nd
Floor, Khetan Super Market, P.S.- Pirbahore, District-Patna.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. D.V. Pathy
Mr. Sanjeet Kumar, Adv
Mr. Sadashiv Tiwari, Adv.

For the Opposite Party/s : Mr. Sri Binod Kumar 2

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR
UPADHYAY
ORAL ORDER

2 09-11-2017 Heard learned counsel for the petitioner and the

counsel appearing on behalf of the State.

Petitioner is apprehending arrest in connection with

Pirbahore P.S. Case No. 233 of 2017 for an offence under sections

467, 468, 471, 465, 464/34 of the Indian Penal Code and Sections

81(1)(B), 81(2)(B), 81(3)(B) and 81(4) of Bihar VAT Act.

Mr. D.V. Pathy, appearing on behalf of the petitioner

submits that the petitioner is a man of clean antecedent and aged

about 72 years. Earlier he was running a business of readymade

garments in the name and style of M/s. Shri Tulsi. He submits that

way back in 2015 his business was closed on account of his

advanced age.



It appears from Annexure-6 series that in surreptitious manner, unscrupulous elements have used TIN/VAT number of the petitioner. He has filed a supplementary affidavit to substantiate that in this conspiracy M/s Padma Logistics was also involved. The supplementary affidavit is indicative of the fact that M/s. Padma Logistics were using TIN number of M/s. Shri Tulsi.

Mr. D.V. Pathy has drawn my attention to the obligation of the authorities, exercising power under the Bihar Value Added Tax Act. He referred to Section 12 to submit that the authorities are vested with the power of civil court to summon the witnesses and also ensure production of document in order to decide tax liability under the scheme of the Act.

From perusal of Annexure-6 series and Annexure-7, it appears that fraud tactics was played by some other persons and simply because petitioner's TIN number was used, he has been made accused in the instant case. He submits that his client is ready to extend full cooperation in the matter of investigation against those involved in the foul play and help the authorities.

After hearing Mr. D.V. Pathy at length, on going through the materials available on record and considering the fact that the petitioner is a man of clean antecedent and also is in advanced age, I am inclined to enlarge the petitioner, named



above, on bail in the event of arrest or surrender before the court below within a period of four weeks from today, on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Patna, in connection with Pirbahore P.S. Case No. 233 of 2017, G.R. No. 3274/2017 on the condition that petitioner will deposit his passport, if he has and also extend full cooperation and appear before the authorities as and when his attendance is required in furtherance of investigation in the case with other condition as enumerated under section 438(2) of the Cr.P.C.

(Anil Kumar Upadhyay, J)

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