

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.26677 of 2017

Arising Out of PS.Case No. -1 Year- 2015 Thana -ECONOMIC OFFENCES, BIHAR District-
PATNA

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Umesh Prasad proprietor of M/s Bhagya Laxmi Bhandar son of Sri Bishal Prasad, resident of Mohalla- Majhaua Parsauni, Police Station- Bathwariya, District- West Champaran (Bettiah).

.... Petitioner/s

Versus

1. The State of Bihar
2. Inspector General, Economic Offence Unit Bihar, Patna.

.... Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Baxi S.R.P.Sinha, Sr. Advocate
	:	Mr. Lokesh Kumar Singh, Advocate
For the State	:	Mr. Suresh Prasad Singh, APP
For the E.O.U.	:	Mr. Vishwanath Prasad Sinha, Sr. Advocate
	:	Mrs. Soni Shrivastava, Advocate

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH
ORAL ORDER

7 17-10-2017 Heard Mr. Baxi S.R.P.Sinha, learned Senior Advocate appearing for the petitioner and Mr. Vishwanath Prasad Singh, learned Senior Advocate appearing for the Economic Offences Unit.

The petitioner seeks pre-arrest bail in connection with Economic Offences P.S.Case No. 01 of 2015 registered under Sections 420, 467, 468, 471, 409 and 120B of the Indian Penal Code and under Sections 81(1)(c)/81(2) and 81(4) of Bihar Value Added Tax Act, 2005.

Mr. Baxi S.R.P. Sinha, learned Senior Advocate



submitted that basically it is a case of alleged evasion of sales tax on the basis of false entries made in the sale invoice generated by the three companies situated in the State of Jharkhand. He submitted that as per calculation, at best, the liability of lesser amount of tax alleged to be paid by the petitioner would come to approximately rupees twenty two thousand against the petitioner. He submitted that two other co-accused, namely, Sohan Lal Patel and Dilip Kumar @ Dilip Kumar Singh having more or less identical allegation have already been granted anticipatory bail by a Bench of this Court vide order dated 11.10.2017 passed in Cr.Misc. No.46961 of 2017.

Mr. Vishawanath Prasad Sinha, learned Senior Advocate appearing for the Economic Offences Unit has opposed the prayer for grant of anticipatory bail to the petitioner. However, he admitted that two other accused persons having more or less similar allegation have already been granted anticipatory bail by a co-ordinate Bench of this Court.

Having regard to the nature of offence as also the fact that some other co-accused have already been granted pre-arrest bail, the petitioner named above is directed to be released on bail on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Sub



Divisional Judicial Magistrate, Patna in connection with Economic Offence P.S. Case No.01 of 2015, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, in the event of arrest or surrender before the court below within six weeks from today.

(Ashwani Kumar Singh, J)

Md.S./-

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