

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.39052 of 2017

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

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1. Ashok Kumar Mishra, son of Late Brahmanand Mishra, resident of
Mohalla - Old Housing Colony, Chandwa, Police Station - Ara Nawada,
District - Bhojpur.

.... Petitioner/s

Versus

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

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Arun Kumar Singh, Advocate
For the Opposite Party/s : Smt Indu Kumari Srivastava, APP
Mr. V. N. P. Singh, Sr. Advocate
Ms Soni Srivastava, Advocate

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

4/ 18-12-2017

Heard learned counsel for the petitioner and learned

APP for the State.

Petitioner apprehends his arrest in **Economic Offence P.S. Case No.01 of 2015** instituted for the offence under Section(s) 420, 467, 468, 409, 120-B Indian Penal Code and Section 81(1) (C)/81 (2)/81(4) of the Bihar Value Added Tax Act.

It is alleged in the written report that 461 purchasers purchased coal from Tata Steel Ltd., Coal Division, Ghato Tand, Ramgarh, Jharkhand. It is alleged that *Builty* was prepared in the name of M/s Rashmi Trading Company, M/s Dakhineshwari Sales, Ramgarh, & M/s Bhadrakali Trading Company, Ramgarh,



by creating false bill mentioning half price by creating D-IX, firm imported coal from Jharkhand to Bihar, and in this course total 3486 transactions were made and price of the coal was Rs.30,18,27,846.90, but under conspiracy making manipulation in document the price was under valued and was shown as Rs.17,48,54,885.20, in this transaction total 714 trucks were involved and collectively all has put the revenue loss to the Government of Bihar of Rs.80,91,648/-

Counsel for the petitioner has submitted that he is not named in the First Information Report. His name surfaced during investigation. It has also been submitted that other co-accused with similar allegation have been granted anticipatory bail by a co-ordinate Bench of this Court by order dated 05.12.2017 passed in Cr. Misc. No.27772 of 2017 and order dated 17.10.2017 passed in Cr. Misc. No.26677 of 2017.

Counsel for the EOU has appeared and opposed the prayer for bail.

In the facts and circumstances of the case, prayer of the petitioner for grant of anticipatory bail is allowed. In the event of surrender/arrest of the petitioner, named above, within six weeks from today in connection with **Economic Offence P.S. Case No.01 of 2015**, he shall be released on anticipatory bail on



furnishing bail bond of `10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the **Sub-Divisional Judicial Magistrate, Patna,** subject to the conditions as laid down under Section 438(2) Cr. P. C. with further conditions: (1) bailors should be local having sufficient immovable property within the jurisdiction of the court concerned, (2) petitioner shall cooperate in the trial and shall be present on each and every date fixed by the court and absence on two consecutive dates without proper and reasonable reason will automatically cancel bail bond of the petitioner and (3) if petitioner tampers with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioner.

(Sanjay Priya, J)

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