

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.4774 of 2018

Arising Out of PS.Case No. -37 Year- 2017 Thana -MOTIHARI RAIL P.S. District-
WESTCHAMPARAN(BETTIAH)

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Suresh Chandra Giri, Son of Jagannath Giri, Resident of Village- Shahpur
Dumariya, Police Station- Gopalpur, District- Gopalganj, at present resident
of Nirala Nagar Siwan, Police Station- Siwan Town, District- Siwan.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Brij Kishor Mishra

For the Opposite Party/s : Mr. Sri Dinesh Singh

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

2 05-02-2018 Heard the learned counsels for the petitioner and the

State.

The petitioner seeks bail in anticipation of his arrest
in connection with Motihari Rail P.S. Case No. 37 of 2017 dated
07.09.2017 instituted for the offences under Sections 419, 420,
467, 468, 471 and 120B of the Indian Penal Code.

The informant is an employee of Patel Engineering
Limited, Gopalganj and it has been alleged by him that his
company had purchased stone chips from C.T.S. Industries
Limited, Sahebganj, Jharkhand and those stone chips had to be
delivered to him at Mairwa Railway Station. It has further been
alleged that on behalf of Patel Engineering Limited, Gopalganj,



only 2373 MT of stone chips was ordered from C.T.S. Industries Limited, Sahebganj, Jharkhand which was delivered in the name of the company viz. Patel Engineering Limited, Gopalganj. Later in the year 2016, the company received notice from Commercial Taxes Department for having concealed and evaded the taxes on railway freight. On further enquiry, the informant learnt that in an unauthorized manner, the sale and delivery of stone chips from different consigners have been shown in the name of Patel Engineering Limited, Gopalganj when no such orders were placed for delivery and, in fact, nothing was delivered to Patel Engineering Limited, Gopalganj.

The FIR has been registered against unknown.

The petitioner is the Station Superintendent of Hathua railway station and he had delivered 2571.88 MT of stone chips from Saket Stone Works, one of the consigners, to the agent of the company of the informant.

Learned counsel for the petitioner has submitted that the petitioner, in his capacity as Station Superintendent of Hathua Railway Station, was only responsible for effecting delivery of any consignment on being shown the railway receipt. The petitioner would have gained no advantage by allowing anybody to lift the stone chips in the name of some other recipient without



his having shown any delivery receipt. The petitioner has brought a copy of the delivery receipt which indicates that he had delivered 2571.88 MT of stone chips from a different consigner to Patel Engineering Limited, Gopalganj.

Learned counsel for the petitioner has further submitted that similarly, allegation have been raised against delivery of stone chips from different consigners at different railway stations. It has also been submitted therefore that this is a ploy of the informant for avoiding payment of the commercial taxes or to escape prosecution for having withheld correct and necessary information to the Commercial Taxes Department.

Taking into account the fact that the petitioner is a Station Superintendent of Hathua Railway Station and had delivered the consignment on being shown the railway delivery receipt, he is directed to be released in the event of his arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, on furnishing bail bond of Rs. 10,000/- (Rs. Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate (Railway), Bettiah, West Champaran in connection with Motihari Rail P.S. Case No. 37 of 2017, subject to the conditions as laid down under Section 438(2)



of the Cr.P.C.

(Ashutosh Kumar, J)

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