

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.7970 of 2018

Arising Out of PS.Case No. -298 Year- 2016 Thana -MITHANPURA District- MUZAFFARPUR

- =====
1. Raj Kumar Goenka,
 2. Ashok Kumar Goenka, both s/o late Pashupati Nath Goenka, R/o Mohalla- Amar Cinema Road, P.S.- Mithanpura, District- Muzaffarpur.
- Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Nachiketa Jha, Advocate

For the Opposite Party/s : Mr. Chaubey Jawahar, APP

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

3/ 23-03-2018

Heard learned counsel for the petitioners and learned APP for the State.

Petitioners apprehend their arrest in **Mithanpura P.S. Case No.298 of 2016** instituted for the offence under Section(s) 420, 467, 468, 471, 120-B/34 Indian Penal Code.

The informant has alleged in the written report that he was working as Peon in M/s Puja Trading and M/s Kant Sales Corporation. It is alleged that owner of these companies without his knowledge had opened account in Kotak Mahindra and ICICI Bank, as mentioned in the report, and did transaction of about thirteen crores rupees. The informant has no concern with the aforesaid transactions.

Counsel for the petitioner has submitted that instant case has been filed by the informant after income tax notice was sent to the informant. Counsel for the petitioner has further



submitted that he has not cheated anybody. He has given explanation before the income tax department with regard to transaction. Summons issued by the Income Tax Department has been annexed as Annexure-2 series.

In the facts and circumstances of the case, prayer of the petitioners for grant of anticipatory bail is allowed. In the event of surrender/arrest of the petitioners, named above, within six weeks from today in connection with **Mithanpura P.S. Case No.298 of 2016**, they shall be released on anticipatory bail on furnishing bail bond of Rs.10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the **Sub-Divisional Judicial Magistrate, East, Muzaffarpur**, 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) petitioners shall cooperate in the trial and shall be present on each and every date fixed by the court and their absence on two consecutive dates without proper and reasonable reason will be liable to cancel their bail bonds and (3) if petitioners tamper 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 petitioners.

(Sanjay Priya, J)

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