

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.6570 of 2018

Arising Out of PS. Case No.-37 Year-2017 Thana- MOTIHARI RAIL P.S. District- West
Champaran

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Deva Nand Sah @ Dewanand Sah, Son of Ram Bachan Sah, Resident of
Village-Pipara Khas, P.S.-Mirganj, District- Gopalganj, at present Railway
Station Superintendent cum Commercial Superintendent, Kanti Railway
Station, Plice Station-Kanti, District-Muzaffarpur.

... .. Petitioner/s

Versus

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 SHAILENDRA KUMAR -1

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 02-02-2018 Heard learned counsels for the petitioner and State.

The petitioner is apprehending arrest in a case registered
for the offences punishable under Sections 419, 420, 467, 468,
471 and 120B of the IPC.

The prosecution case, as per the written report of Rohit
Kumar dated 07.09.2017, submitted to the Station House
Officer, Rail Police Station, Motihari is to the effect that the
informant is an employee of a company, namely, Patel
Engineering Limited, Gopalganj, who is executing the work
under Water Resources Department (Gandak Department),
Government of Bihar. For the purpose of execution of work, the
company used to purchase stone chips from C.T.S. Industries



Limited, Sahebganj, Jharkhand. In the year 2015-16, the company did not purchase any stone chips from the alleged company, but in the name of company of the informant, a notice was sent by the Assistant Commercial Tax, Special Circle, Patna, wherein allegation was made for not making payment of tax over railway freight.

It is submitted by learned counsel for the petitioner that the petitioner has been made accused since the alleged stone chips were unloaded at Kanti Railway Station, where the petitioner is posted as Railway Station Superintendent cum Commercial Superintendent. The consignment was booked in the name of the informant's company and even assuming the accusation, no offence is made out against the petitioner. Prima facie, it appears that the informant, in order to save his skin, has lodged the present case. A statement has been made in paragraph no.3 of the petition that the petitioner is not having any criminal antecedent.

Considering the nature of accusation, let the above named petitioner be released on anticipatory bail in the event of arrest/surrender before the learned Court below within a period of twelve weeks from today, on furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of like amount each to



the satisfaction of learned Additional Chief Judicial Magistrate (Railway), Bettiah, West Champaran in connection with Motihari Rail Police Station Case no. 37 of 2017, subject to the condition as laid down under Section 438(2) of the Cr. P.C.

(Dinesh Kumar Singh, J)

Amrendra/-

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