

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.4874 of 2018

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

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1. Anjani Kumar, S/o Shahvir Singh, R/o Village- Parthu, P.S.- Ekangar Sarai, District- Nalanda (Proprietor -NAM EET UDYOG).
 2. Anil Kumar S/o Nand Kishore Prasad, R/o Village- Noawan, P.S.- Ashthwan, District- Nalanda (Proprietor-MAYUR INT UDYOG).

... .. Petitioner/s

Versus

1. The State of Bihar.
2. The Economic Offence Unit Bihar, Patna through it's I.G.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Manager Sah, Advocate
For the Opposite Party/s : Mr. Ramchandra Sahani, APP

CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

7 28-03-2018 Heard learned counsel for the petitioners and the State.

The petitioners apprehend arrest in Economic Offence P.S. Case No. 01 of 2015, instituted for the offence under Sections 420,467,468,471,409,120B of the IPC and Sections 81(1)(c),81(2) and 81(4) of Bihar Value Added Tax Act, 2005.

Learned counsel for the petitioners has submitted that they are not named in the written report. The name of these petitioners have come during investigation. He has further submitted that other accused persons with similar allegation have been granted anticipatory bail by this Court vide order dated 21.11.2017 passed in Cr. Misc. No. 53817 2017.



Counsel for the Economic Offence Unit has opposed the prayer for anticipatory bail. He has submitted that total loss to the government exchequer was to the tune of Rs. 8091648/-.

As per written report, Joint Commissioner, Sales Tax, Central Investigation Bureau, Bihar, Patna, filed a written complain that the petitioners are selling coal in the State of Bihar on the half rate in collusion with the businessman of Bihar by creating the facility of D-IX. It is said that 461 purchasers have purchased coal from Tata Steel Ltd. (Coal Division), Ghatotand, Ramgarh, Jharkhand. It is stated that builtly 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.

Learned counsel for the petitioners has submitted that they are not associated with any of the firm and merely on suspicion they have been dragged in this case. The petitioners are running brick kiln. They were only purchaser of the coal. It has been mentioned in para 10 of the bail petition that as per the calculation the tax liability against petitioner no. 1 comes to approximately Rs. 1906/- and the tax liability against the petitioner no. 2 comes to approximately Rs. 19,536/-.

Learned counsel for EOU has filed counter affidavit and



stated in paragraph 6 of the counter affidavit that during investigation the fact was revealed that petitioner no. 1 caused revenue loss of Rs. 1550.99/- and petitioner no. 2 caused revenue loss of Rs. 27053.70/- to the state exchequers.

Learned counsel for the petitioners has submitted that they are ready to deposit the aforesaid amount of tax, if demand is made from the concerned department.

In such circumstances, prayer for anticipatory bail is allowed and it is ordered that the petitioners, named above, in the event of their arrest or surrender in the court below within six weeks from the date of receipt/production of copy of this order, shall be released on bail on furnishing bail bonds of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each in connection with Economic Offence P.S. Case No. 01 of 2015, to the satisfaction of the learned Sub Divisional Judicial Magistrate (Special Court of Economic Offences), Patna, subject to condition as laid down under Section 438(2) of the Cr.P.C. with further conditions (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 absence on two consecutive dates without proper and reasonable reason, will automatically cancel bail bonds of the petitioners and (3) if the



petitioners 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 petitioners.

(Sanjay Priya, J)

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