

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.2615 of 2018

Arising Out of PS.Case No. -379 Year- 2012 Thana -MOHANIA District- BHABHUA (KAIMUR)

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ASHOK PATILBUA RAJGURU, S/o Patilbua Rajguru, R/o A5, Vikash Complex, Flat No.805, LBS Marg, P.S.- Rabodhi, Distt.- Thane (W), (Maharashtra).

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Lal Bahadur Pandey

For the Opposite Party/s : Mr. Sri Parmanand Prasad

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CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR MISHRA

ORAL ORDER

8 27-06-2018 Heard learned counsel for the petitioner and learned counsel for the A.P.P.

The petitioner seek pre-arrest bail in Mohania P.S.Case No.379 of 2012 registered for the offences under Sections 415,420,406,407, 409/120-B of the Indian Penal Code and Sections 81 (2) (6),81 (3) C 81 (4) of Bihar Value Added Tax.

Accusation is that 43 trucks including the truck of the petitioner detailed at SL.No.39 in the F.I.R. were seized at Karmanasa Check Post, transporting the goods on the basis of fake TIN Numbers and thereby tried to evade the tax on goods being transported.



Learned counsel appearing on behalf of the petitioner submits that while the petitioner had filed Cr.Misc.No.44 of 2017 for grant of privilege of pre-arrest bail but the same was dismissed on 4.10.2017 due to non-removal of the defects, as reported by the Stamp reporter. Further submission is that regarding the truck as detailed at Serial no.39 of the F.I.R. order of confiscation was passed but in appeal the confiscation order was set aside and the truck was released in favour of the petitioner. Moreover, Rs.6,50,000/- has been deposited through challan for remaining amount bank guarantee has been furnished in the light of order passed in W.P.No.2970 of 2013 filed by R.T. 65 Company which would appear from Annexure-4 to this petition. Further submission is that similarly situated co-accused, Pawan Kumar Rajgarhiya has already been granted privilege of pre-arrest bail vide order dated 12.04.2013 passed in Cr.Misc. NO.10281 of 2013.

Considering the aforesaid facts and circumstances, let the petitioner, above named, in the event of his arrest or surrender before the court below within six weeks from today, be released on bail on furnishing bail bond of Rs.25,000/- with two sureties of



the like amount each to the satisfaction of the C.J.M., Kaimur at Bhabua, in Mohania P.S. Case No.379 of 2012 subject to the conditions as laid down under Section 438(2) of Cr.P.C.

(Rajendra Kumar Mishra, J)

AnilKrSinha/-

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