

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.8858 of 2018

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

- =====
1. Rajesh Kumar Pandey @ Rajesh Kumar, Son of Sri Ram Narayan Pandey, Resident of Village- Chakbara, P.S.- Pipra, District- East Champaran (Motihari).
 2. Alok Kumar Srivastava @ Alok Kumar, Son of Roop Narayan Prasad Srivastava, Resident of Village- Kaswa Kada Kadamawa, P.S.- Ghorasahan, District- East Champaran (Motihari)

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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with

Criminal Miscellaneous No.9189 of 2018

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

- =====
1. Arun Kumar @ Arun Kumar Gupta S/o Sri Om Prakash Choudhary, R/o Village- Chakiya, P.S.- Chakiya, District- East Champaran.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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with

Criminal Miscellaneous No.9149 of 2018

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

- =====
1. Sonu Kumar, S/o Ganesh Prasad Chourasiya, Resident of Village- Bhuwan Chhapra, Ward No. 6, P.S.- Chakiya, District- Motihari.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance:

(In Cr.Misc. No.8858 of 2018)

For the Petitioner/s : Mr. Rana Vikram Singh

For the Opposite Party/s : Mr. Mustaque Alam

(In Cr.Misc. No.9189 of 2018)



For the Petitioner/s : Mr. Rana Vikram Singh
For the Opposite Party/s : Smt. Indu Bala Pandey
(In Cr.Misc. No.9149 of 2018)
For the Petitioner/s : Mr. Arun Kumar Pandey
For the Opposite Party/s : Mr. Sri Tapeswar Sharma

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

3 05-04-2018 Heard the learned counsel for the petitioners and the
learned A.P.P. for the State.

This is an application for grant of anticipatory bail in connection with Motihari Rail P.S. Case No. 37 of 2017 registered for offences punishable under Sections 419, 420, 467, 468, 471 and 120(B) of the Indian Penal Code.

The case of the informant is that he is working as Assistant with Patel Engineering Limited, a company engaged in construction of canal work of the Irrigation Department and for the said work the company of the informant had procured stone chips from Jharkhand totaling to 2373 MT, which was purchased from CTS Industries Limited and brought by means of Railway Wagon for which appropriate freight was paid. However, the Assistant Commissioner, Sale Tax had sent a notice regarding evasion of Tax on the railway freight and upon enquiry it transpired that unknown accused persons had procured stone chips by showing purchase of the same in the name of the company of the informant resulting in the informant's company being saddled with huge financial liability.



The learned senior counsel for the petitioners herein submits that if at all anyone is aggrieved, it should be the Taxation Department and not the informant herein since no loss has been caused to the informant. It is further submitted that as far as the petitioners are concerned, they are not the actual consignee of the stone chips, hence they cannot be saddled with any sort of liability. It is further submitted by the learned senior counsel for the petitioners that tax, if any, said to have been evaded, has already been paid. The petitioners are said to be having a clean antecedent.

Having regard to the facts and circumstances of the case, I deem it fit and proper to admit the petitioners herein to the privilege of anticipatory bail in the event of their arrest or surrender before the court below within a period of six weeks from the date of receipt/production of a copy of this order on furnishing bail bond of Rs. 10,000/- (rupees ten thousand) each with two sureties of the like amount each to the satisfaction of 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 Code of Criminal Procedure.

(Mohit Kumar Shah, J)

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