

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.14931 of 2018

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

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Prabhunath @ Prabhu Nath, son of Late Dalsingar, resident of Village-
Pachwar, P.O. Chandrawar, Police Station- Rasera, District- Balia (Uttar
Pradesh).

.... 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. Khurshid Anwar

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CORAM: HONOURABLE MR. JUSTICE SANJAY KUMAR
ORAL ORDER

2 06-04-2018 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

The petitioner apprehends arrest in connection with
Motihari Rail Police Station Case No. 37 of 2017 registered for
the offences punishable under sections 419, 420, 467, 468, 471
and 120B of the Indian Penal Code.

The prosecution case, as per the written report of
Rohit Kumar dated 7th September 2017, submitted to the Station
House Officer, Rail Police Station, Motihari is 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 Chakia Railway Station, where the petitioner is posted as Railway Station Superintendent-cum-Commercial Superintendent. The consignment was booked in the name of 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. The case of the petitioner stands on similar footing to the case of co-accuseds who have been allowed bail by different co-ordinate Benches of this Court in Cr. Misc. Nos. 6570 and 4774 of 2018 and so he also deserves anticipatory bail.

Considering the nature of allegation, facts and circumstances of the case, the prayer for anticipatory bail of the above named petitioner is allowed and he, in the event of arrest or



surrender before the court below within a period of six weeks, be enlarged on bail on furnishing bail bond of Rs. 10,000/-(Ten thousand) with two sureties of the like amount each to the satisfaction of 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 Criminal Procedure Code. Further condition that (1) one of the bailors of the petitioner shall be a local person having sufficient immovable property within the jurisdiction of the concerned Court. (2) The petitioner will not induce any witness or tamper with the evidence. (3) The petitioner shall cooperate in the disposal of trial and make himself available as and when required by the court.

(Sanjay Kumar, J)

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