

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.55971 of 2018

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

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Indra Bhushan Pradhan S/o Sri Janak Pradhan, R/o Vill.- Hatgachhi,
P.S.- Biraul, District- Darbhanga proprietor of Hari Om Enterprises,
Darbhanga.

... .. Petitioner/s

Versus

The State of Bihar Through Economic Offences Unit.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Nand Kishore Prasad Sinha, Adv
For the Economic Offence : Mr. Akhileshwar Prasad Singh, Sr. Adv
Unit

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR

ORAL ORDER

3 10-12-2018 Heard Mr. Nand Kishore Prasad Sinha, learned

counsel for the petitioner and Mr. Akhileshwar Prasad Singh,

learned senior counsel for the Economic Offences Unit.

The petitioner seeks bail in anticipation of his
arrest in connection with Economic Offence P.S. Case No. 01
of 2015 instituted for the offences under Sections 420, 467,
468, 471, 409, 120(B) of the Indian Penal Code and
Sections 81(1)(e), 81(2) and 81(4) of the Bihar Value
Added Tax Act, 2005.

The learned counsel for the petitioner has



submitted that petitioner is the proprietor of M/s Hari Om Enterprises who has not been named in the F.I.R. His name has transpired only during the course of investigation.

The primary allegation against all the accused persons including the petitioner is of selling the coal in the State of Bihar at an unauthorized rate in collusion with the businessmen of the State of Bihar by creating a forged facility of D-IX.

The learned counsel for the petitioner has submitted that the coal in question was purchased from Tata Steel Company, Jharkhand and the voucher for the same was prepared in the name of M/s Rashmi Trading Company and others.

Though there is allegation of selling coal at a lower price under a conspiracy after manipulating the documents whereby the accused persons could manage to have the coal undervalued.

In any view of the matter, learned counsel for the petitioner has drawn the attention of this Court to several bail orders passed by this Court whereby other persons



whose names are mentioned in the F.I.R or whose names have surfaced during the course of investigation, have been granted anticipatory bail subject to the condition that they shall cooperate in the trial and shall be present on each and every date fixed by the Court. The orders referred to above further stipulate that the absence on two consecutive dates without proper and reasonable cause will result in automatic cancellation of their bail bonds. The same result would follow if it is found that accused persons are tempering with the evidence or are trying to influence the witnesses.

Considering the facts that several other persons, similarly situated, have been granted the privilege of anticipatory bail with certain conditions, this Court is also inclined to grant anticipatory bail to the petitioner.

The petitioner, above named, in the event of his arrest or surrender before the Court below within a period of four weeks from today, is directed to be released on bail on his furnishing bail bonds of Rs. 10,000/- (Ten Thousands) with two sureties of the like amount each to the satisfaction of learned Sub-Divisional Judicial Magistrate, Patna in



connection with Economic Offence P.S. Case No. 01 of 2015,
subject to the conditions as laid down under Section 438(2)
of the Cr.P.C.

(Ashutosh Kumar, J)

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