

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.57926 of 2018

Arising Out of PS. Case No.-281 Year-2017 Thana- PIRBAHOR District- Patna

Mritunjay Kumar @ Tinku Kumar Son of Sri Shankar Prasad Karn, resident of Pushpanjali Niwas, Salimpur Ahra, P.S. Kadamkuan, Town and District- Patna.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rajesh Mohan

For the Opposite Party/s : Dr. Indihar Kumari

CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN
ORAL ORDER

4 22-02-2019 Heard learned counsel for the petitioner and learned APP for the State.

2. The petitioner apprehends his arrest for the offences alleged under Sections 419, 420, 467, 468, 471 IPC registered in connection with Pirbahore P.S. Case No. 281 of 2017/G.R. No. 3572/2017.

3. It is submitted that the petitioner has been falsely implicated on the accusation that the TIN/User ID and Password of the informant's firm M/s Shree Tulsi had been misused by the petitioner and a turnover of about 12-13 Crore had been shown in the said firm which had closed on 31.03.2015. It is alleged that a sale of stone chips was shown to have been made from the informant's firm M/s Shree Tulsi to Sri Rajesh Kumar Jain, proprietor of M/s Padma Logistics whereas, the informant had been dealing in ready made garments on retail basis. It is submitted however that the petitioner who was the Accountant of the said firm as also of some other firms, had sent the



TIN number and Password details to Rahul Modi, who was the Chartered Accountant, which in turn was forwarded by Rahul Modi to Rajesh Kumar Sah. In any event, it is submitted that the said Rajesh Kumar Sah had confirmed that he had utilised the TIN number and Password of M/s Shree Tulsi and that the proprietor of M/s Padma Logistics as well as the Chartered Accountant Rahul Modi have expressed their readiness to make payment of statutory liability. It is submitted that thereafter the Department of Commercial Taxes agreed to the proposal of Rajesh Kumar Jain, proprietor of M/s Padma Logistics and accepted a sum of Rs. 85,94,162/- by way of evaded tax amount from him. It is therefore submitted that if at all, fraud was committed by Rajesh Kumar Sah and Rahul Modi in view of which the petitioner filed Cyber Complaint No. PP11051707 with Gandhi Maidan Police, Patna on 11.05.2017. The petitioner has also been granted anticipatory bail in Cr. Misc. No. 48711 of 2017 in a connected matter registered as Pirbahore P.S. Case No. 233 of 2017. The petitioner has been made accused in two other cases instituted for the same occurrence as the present one.

4. Learned APP appears and opposes the anticipatory bail petition.

5. Be that as it may, in the event of the petitioner's arrest or surrender before the court below within six weeks from the date of communication of this order, let the above named petitioner be released on bail on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of like amount each to the satisfaction of learned Chief Judicial Magistrate, Patna, in connection with Pirbahore P.S. Case



No. 281 of 2017/G.R. No. 3572/2017,subject to the conditions as laid down under Section 438 (2) Cr.P.C. and also subject to the following further conditions:

- i. That one of the bailors shall be a close relative of the petitioner.
- ii. That the petitioner shall not indulge in any similar offence till conclusion of the trial.
- iii. That the petitioner shall co-operate with the investigation, if not already concluded, and make himself available as and when so required and in case of failure, the State shall be at liberty to move for cancellation of bail.
- iv. The petitioner shall remain physically present in Court on each and every date during trial and in the event of failure on two consecutive dates without sufficient reason, his bail bond shall be liable to be cancelled by the learned Court concerned.

(Vikash Jain, J)

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