

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.38866 of 2015

Arising Out of PS.Case No. -2 Year- 2015 Thana -ECONOMIC OFFENCES, BIHAR District-
PATNA

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1. Bipin Kumar @ Ashutosh Kumar @ Ashutosh @ Ashutosh Jha S/o Late
Kameshwar Singh, resident of village- Gawai, Police Station & District-
Sheikhpur.

.... Petitioner/s

Versus

1. The State of Bihar
2. The Officer of Economic Offence Police Station, Bihar Patna

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Pramod Kumar
For the Opposite Party/s : Mr. Vishwanath Pd.Singh(Eou)

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**CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN
SHARMA**
ORAL ORDER

4 16-02-2016 Heard the learned counsel for the petitioner as well as

the learned senior counsel for the Economic Offences Unit.

The petitioner seeks bail in a case for the offences
punishable under sections 419, 420, 467, 471, 472 and 120 B/34 of
the I.P.C and section 66 of the I.T. Act.

Allegedly, acting on a tip off that the petitioner and
his associates who are indulged in depositing the fake cheques in
the Bank and after getting encashed used to withdraw the amount
through fake ATM and again trying to use fake cheques, raid was
conducted and the petitioner and his two associates were caught
and after search from possession of the petitioner five ATMs of

different names, two empty fake cheques besides other incriminating articles were recovered. Similarly, from other co-accused also incriminating articles were recovered.

Submission is of false implication and that the petitioner has been implicated merely on conjectures and surmises, nothing has been recovered from possession of the petitioner and the police has obtained signature of the petitioner on a plain paper forcibly and converted the same into the seizure list, the witnesses of the seizure list are not of the locality, during investigation no legal and cogent material has come and without obtaining reasonable material charge sheet has been submitted and as such the petitioner who is suffering in custody since 28.02.2015 deserves sympathetic consideration.

The learned senior counsel for the Economic Offences Unit opposes prayer for bail by submitting that the petitioner is the king pin of the racket and he is involved in the case of cheating and forgery, he has also been made accused earlier in the cases of similar nature in Kolkata and Hyderabad and the persons in whose names the ATMs were found in possession of the petitioner are non existence and the petitioner is acting in three names.

In the facts and circumstances as stated above, considering the alleged recovery and further considering the

materials available in the case diary, at this stage this Court is not inclined to enlarge the petitioner on bail and accordingly his such prayer stands rejected in connection with Economic Offences P.S. Case No. 02 of 2015 pending in the court of S.D.J.M. Patna.

However, the trial court is directed to expedite the trial and to conclude the same preferably within six months.

(Jitendra Mohan Sharma, J)

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