

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.34006 of 2016

Arising Out of PS.Case No. -25 Year- 2012 Thana -ECONOMIC OFFENCES, BIHAR District-
PATNA

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Sudarshan Yadav @ Sudarshan Jee, aged about 43 years, Son of Shri Chandra Shekhar Yadav, resident of Village- Kahalgaon Tola, Block- Pirpanti, P.O.- Khawaspur, P.S.- Pirpanti, District- Bhagalpur- 813209.

.... Petitioner

Versus

The State of Bihar Represented Through The Economic offences Police Station (economic offence Unit), Bihar, Patna.

.... Opposite Party

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Appearance :

For the Petitioner : Mr. Arif Daula Siddiquie, Advocate.

For the Opposite Party : Mr. V.N.P Sinha(Eou)Unit, Advocate.

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

7 13-12-2016 A supplementary affidavit has been filed on behalf of learned counsel for the petitioner. The same may be kept on the record.

Heard learned counsel for the petitioner and learned counsel for the Economic Offences Unit.

The petitioner is apprehending his arrest in connection with Economic Offences Police Station Case No. 25 of 2012, corresponding to G.R. No. 5281 of 2012 for the offences instituted under Sections 466, 467, 468, 471, 419, 420, 120(B) of the IPC and 66 and 72 of the Information Technology Act, 2000.

The prosecution story, in brief, is that on 21.10.2012, the



informant received secret information that a gang was preparing for leak of question paper of LDC Examination through Electronic Device and after that he conducted raid in the house of one Sunil Choudhary at Road No. 24. On raid, the persons present in the room tried to escape but they were caught and disclosed their name and they also disclosed that with the help of advance mobile, blue tooth and electronic devices they used to send answers to the candidates at different centers. It is further alleged that on search mobile phones, Bluetooth's, bank passbook, laptop, hard disk, admit card of different candidates, election voter ID card, cash, ATM cards have been recovered and seizure list was prepared and altogether eight accused persons were apprehended from the house.

It has been submitted on behalf of the petitioner that the petitioner has got no criminal antecedent. There is no allegation of tampering with the witnesses alleged against the petitioner. He has falsely been implicated in the present case. It has been claimed that the petitioner has been made accused due to misidentification. There is no recovery of any incriminating article from his possession.

On behalf of the Economic Offences Unit, it has been submitted that the petitioner is named in the F.I.R. The witnesses



in paragraph nos. 12, 14, 18, 93, 385 and 386 of the case diary have supported the allegation made against the petitioner. A counter-affidavit has also been filed on behalf of Economic Offences Unit where the enquiry report was enclosed stating that it is not a case of misidentification.

Considering the aforesaid facts and circumstances, I am not inclined to grant anticipatory bail to the petitioner. The same is rejected in connection with Economic Offences P.S. Case No. 25/2012, corresponding to G.R. No. 5281 of 2012, pending in the court of learned J.M. Ist Class, Patna. If the petitioner surrenders in the court below the same shall be considered on its own merit without being prejudiced by the order of this Court.

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(Sudhir Singh, J)

