IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.48476 of 2017

Arising Out of PS.Case No. -9 Year- 2015 Thana -ECONOMIC OFFENCES, BIHAR District-PATNA

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1. Azizur Rahman @ Gama Son of Late Basruddin Resident of Village-Pathra, P.S. Majhagarh, District-Gopalganj

.... Petitioner/s

Versus

1. The State of Bihar Through Economic offences Unit (E.O.U.), Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. K.N. Choubey (Sr. Advocate)
Mr. Prashant Kumar
Mr. Animesh Kumar

For the Opposite Party/s : Mr. Akhileshwar Prasad Singh, Sr. Advocate (Eou Unit)
Mr. Bimal Kumar
Mr. Surendra Pd. Singh

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CORAM: HONOURABLE JUSTICE SMT. ANJANA MISHRA

ORAL ORDER

2 17-10-2017 Heard learned Senior Counsel for the petitioner and learned Senior Counsel appearing on behalf of the E.O.U.

The petitioner is in custody since 25.07.2017 in connection with a case registered for the offences punishable under Sections 406/420/467/468/471/ 120B of the Indian Penal Code.

Learned counsel for the petitioner submits that the FIR in the present case was registered stating that one Raj Mangal son of Phudini Paswan had opened a ICICI

Bank account No. 625901544672 and within a short period of one month, the account was closed after making various transactions. It was found that the account had been opened on 01.09.2012 and had been closed on 01.10.2012. In the said account, money had been received of different denominations from the various places. The said Raj Mangal has withdrawn the said account and it was stated by one Ashish Kumar that in order to achieve target, the said account was opened and, thereafter, the transactions which were found to have taken place in the said account revealed that it had been opened for some illegal purpose. So far as the allegation against the present petitioner is concerned is that the said Ashish Kumar has revealed in his statement that he had handed over the ATM Kits to the petitioner and one other person namely, Jitendra Srivastava and Shamirul.

The allegation against the petitioner has been brought in the last part of the narration of the FIR stating that three persons, namely, Shamirul, Azizur Rahman @ Gama (petitioner) and Jitendra Srivastava had been engaging themselves in some lottery business and in order to lure customers had been routing wrong transactions through the Bank, thus, causing serious loss to the government exchequer which was a serious economic offence. It is on the basis of such an allegation that the petitioner has now been taken into custody.

Learned senior counsel appearing on behalf of the petitioner has also brought to the notice of this Court an order dated 25.01.2016 passed in Cr. Misc. No. 48249 of 2015 by which the said Jitendra Srivastava, who has similar allegation, has been granted regular bail in connection with the present case.

Learned Senior Counsel for the E.O.U. submits that the petitioner's role has been specifically stated in the FIR and, therefore, considering his implication, he cannot be extended the privilege of regular bail.

Be that as it may and taking into consideration the remote nature of allegation made with regard to the present petitioner and that the main offence committed is of opening and closing the transaction in the Bank of the ICICI and also because the petitioner has one other criminal antecedent, let the petitioner above named, be released on bail on furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Sub-divisional Judicial Magistrate, Patna, in connection with Economic Offence P.S. Case No. 09/2015.

(Anjana Mishra, J)

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