

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.5458 of 2017

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

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Mukesh Kumar, aged about 52 years, son of Sri Nawal Kishore Pandey,
R/o West Point Public School, Ashiana Nagar, Y/4, P.S.- Rajiv Nagar,
District- Patna.

.... Petitioner

Versus

The State of Bihar through E. O. U., Patna

.... Opposite Party

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Appearance :

For the Petitioner : Mr. Sanjiv Sharan, Advocate

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

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL ORDER

2 07-02-2017 Heard learned counsel for the petitioner and learned
Senior Counsel for the Economic Offence Unit.

2. The petitioner is in custody since 14.12.2016 in connection with Economic Offence P.S. Case No. 25 of 2012, G.R. No. 5281 of 2012 for the offences alleged under Sections 466, 467, 468, 471, 419, 420 and 120B of the Indian Penal Code and Section 66/72 of the I.T. Act.

3. It is submitted that the petitioner has been falsely implicated and in any event, warrant of arrest against the petitioner was sought as late as on 31.05.2016 though the case itself was registered in 2012 wherein certain allegations have been made against the petitioner though not named as accused in the column of the accused. It is further submitted that the case of the petitioner stands on better footing than some of the co-accused persons who have been granted bail and from whose possession incriminating materials have been recovered but nothing has been recovered from the possession of the petitioner. It is also submitted that all the 17 FIR named accused persons together with other subsequently made accused have been granted bail.



4. Mr. Vishwa Nath Prasad Sinha, learned Senior Counsel appearing on behalf of the Economic Offence Unit has been heard. He has opposed the bail petition submitting that the petitioner has been evading arrest for about four years before he finally surrendered.

5. Having regard to the entirety of the facts and circumstances of the case, let the petitioner above named 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 Sub-Divisional Judicial Magistrate, Patna in connection with Economic Offence P.S. Case No. 25 of 2012, G.R. No. 5281 of 2012 with the following 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 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.

(iv) The petitioner shall cooperate 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.

(Vikash Jain, J)

B.T/Chandran

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