IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.22626 of 2017

Arising Out of PS.Case No. -1 Year- 2017 Thana -ECONOMIC OFFENCES, BIHAR District- PATNA

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1. Md. Yunus Son of Late Md. Saddiq
2. Raju Arshad Alias Arshad Ahmad Alias Raju Arshad Ahmad Son of Md. Yunus
3. Irfan Ahmad Son of Md. Yunus All residents of Village - Chandanpatti, P.S. - Sakra, District - Muzaffarpur (Bihar).

.... Petitioner/s

Versus

The State of Bihar through the Superintendent of Police, Economic offences Unit, Bihar, Patna.

.... Opposite Party/s

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Appearance :
For the Petitioner/s : Mr. Rakesh Kumar
For the Opposite Party/s : Mr. V.N.P. Sinha (Economic Unit)

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CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA
ORAL ORDER

4 14-07-2017 Supplementary affidavit has been filed on behalf of the petitioners. Let it be kept on the record.

Heard the learned counsel for the petitioners as well as the learned senior counsel appearing on behalf of the Economic Offences Unit, Bihar, Patna.

In this application for anticipatory bail the petitioners apprehend their arrest in connection with Economic Offence P.S. Case No. 001 of 2017 for the offences punishable under sections 419, 420, 465, 467, 468, 471, 474, 120 (B) and 34 of the I.P.C.

Allegedly, the petitioners prepared forged documents by fraud and are using the same in the different offices. Before

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birth the property has been acquired in the fake name of petitioner nos. 2 and 3. Four PAN cards are being used for filing the return in the name of petitioner no.2 and two PAN cards are being used by petitioner no.3. The returns are being filed though petitioner no.2 was not born and petitioner nos. 2 and 3 assisted petitioner no.1 in acquiring the property in their names by petitioner no.1. One D.A. Case No. 05 of 2013 has also been registered against the petitioner no.1 but charge sheet has been submitted against all the petitioners and during investigation these forgery came into light.

Submission is of false implication and that lodging of two different cases is illegal, when D.A. Case No. 05 of 2013 has already been lodged, lodging of this case is not permitted as no offence is made out as alleged against the petitioners, none of the documents mentioned in the FIR has been used by the petitioners and none of them have cheated anybody, no one has filed any complaint against the petitioners, the petitioners have already been allowed bail in D.A. Case No. 05 of 2013 and as such they deserve sympathetic consideration.

The learned senior Law Officer of the Economic Offences Unit opposes prayer for pre-arrest bail of the petitioners by submitting that the D.A. case is on different footing and this case cannot be clubbed with the D.A. case as here forged

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document has been created and are being used in different offices. Properties have been acquired by petitioner no.1 in different names and as such the petitioners do not deserve pre-arrest bail.

In the facts and circumstances as stated above, considering the allegation attributed against the petitioners, I am not inclined to grant privilege of pre-arrest bail to them and accordingly their such prayer stands rejected in connection with the aforementioned case pending in the court of S.D.J.M. Sadar, Patna.

(Jitendra Mohan Sharma, J)

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