

**IN THE HIGH COURT OF JUDICATURE AT PATNA  
CRIMINAL MISCELLANEOUS No.78588 of 2018**

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

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Samirul @ Samirul Haque, son of Basruddin @ Vasruddin Ahmad, Resident  
of Village- Pathra, P.S. Majhagarh, District Gopalganj.

... .. Petitioner/s

Versus

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. Kamal Nayan Choubey, Sr. Adv.<br>Mr.Prashant Kumar, Adv. |
| For the E.O.U.       | : | Mr. V.N. P.Sinha, Sr. Adv.<br>Ms. Soni Shrivastava, Adv.     |
| For the State        | : |                                                              |

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**CORAM: HONOURABLE MR. JUSTICE S. KUMAR**  
ORAL ORDER

4      27-02-2019                      Heard learned counsel for petitioner, learned  
counsel for the E.O.U and learned counsel for the State.

Petitioner, who is in custody, seeks bail in  
connection with Economic Offence P.S. Case No. 09 of 2015  
registered for the offences punishable under Sections 406, 420,  
467, 468, 471, 120(B) of the Indian Penal Code.

As per F.I.R. on 21.07.2015, a message was  
received from the Military Intelligence Department that one  
Raj Mangal, son of Fudaini Paswan near Sonu Medical Hall



made illegal transaction through in I.C.I.C.I. Bank Account No. 625901544672 and has a relation with anti-national element. A team was constituted under the leadership of Dy. S.P. Anand Kumar Pandey to verify the same. It was found that the account was opened on 01.09.2012 and has been closed on 01.10.2012. It was also found that the money of different denominations have been received from different places. It has further been stated that on further inquiry, Raj Mangal had narrated that one Ashish Kumar posted in the I.C.I.C.I. Bank Branch, Exhibition Road, Patna, got the account opened on the pretext of reaching to the target. During investigation, it has been found that they have opened the account for the illegal purpose.

It has been submitted on behalf of the petitioner that he is innocent and has committed no offence. He has been falsely implicated in this case. The name of petitioner has transpired on confession of co-accused Ashish Kumar, who has already been granted privilege of Anticipatory Bail by learned District and Sessions Judge, Patna vide A.B.P. No. 6992 of 2015 on 10.03.2016. No transactions exhibited in the FIR of any money being used for anti-national activities by the petitioner. No cheque-book or pass-book is alleged to be



recovered from the possession of the petitioner. Similarly placed co-accused have been granted bail by co-ordinate bench of this court as contained in Annexure 3 series. Petitioner is in custody since 30.08.2018.

Bail petition has been opposed by the counsel for the E.O.U and State.

Considering the aforesaid facts and circumstances of the case, let the petitioner named above be released on bail upon furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Sub-Divisional Judicial Magistrate, Patna, in connection with Economic Offence P.S. Case No. 09 of 2015, subject to conditions:

(1) Bailors should be local having sufficient immovable property within the jurisdiction of the court concerned.

(2) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by Court and his absence on two consecutive dates without sufficient reasons, his bail bond shall be



cancelled by the court below.

(3) If the petitioner tampers with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioner.

**(S. Kumar, J)**

Rajiv/-

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