

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22829 of 2019

Arising Out of PS. Case No.-8 Year-2013 Thana- ECONOMIC OFFENCES, BIHAR
District- Patna

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Pankaj Kumar, Son of Sri Arvind Kumar Sinha Resident of Mohalla -
Sakuntala Kunj, Paravati Path, M.V. Colony Kumhrar, P.S.- Agam Kuan, Distt
- Patna.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Superintendent of Police Economic Offences Unit, Patna

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : None
For the Opposite Party/s : Mr.Akhileshwar Prasad Singh, Sr.Adv.
Mr. Vijay Anand, Adv.

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 22-07-2019 No one appears for the petitioner. Learned senior
counsel Sri Akhleshwar Prasad Singh as well learned counsel
Mr. Vijay Anand are present on behalf of the Economic Offence
Unit.

This application has been preferred seeking
anticipatory bail in connection with Economic Offence P.S.
Case No.008 of 2013 dated 23.02.2013 registered for the
offence alleged under Sections 419, 420, 465, 467, 468, 471 and
120B of the Indian Penal Code.

Since this case had been passed over in the last week
to enable the learned counsel for the Economic Offence Unit to
come prepared with the case diary and now the case diary has
been received by him which has been placed before this Court,



this Court is disposing of this application on the basis of the materials available on the record.

It appears that as per the prosecution version the petitioner happens to be the owner of one Comfort Coaching Institute where in the name of the making prepared for competitive examination, the candidates were being induced to pay huge some of money on the pretext of providing them a job. As modus operandi to get a candidate successful in a competitive examination, the application forms were being filled up with matching photograph of a scholar and in place of the real candidate the scholar was made to sit in the examination.

In course of investigation, apprehended accused Rahul Ranjan had been found appearing in place of the real candidate. The two other persons namely Rahul Kumar and Rajesh Kumar whose names also transpired in course of investigation made their statements under Section 164 Cr.P.C. in which they disclosed that this petitioner had been actively participating in the conspiracy to prepare the documents with matching photographs of the scholar and then the petitioner had received certain amount through Rajesh Kumar, the peon of the Institute.



In the anticipatory bail application, a submission has been made that the petitioner is handicapped, he is quite innocent and the apprehended accused Rahul Ranjan has not disclosed the name of this petitioner.

Learned senior counsel assisted by learned advocate on record on behalf of Economic Offence Unit has read out the statements under Section 164 Cr.P.C. of the co-accused Rahul Kumar and Rajesh Kumar.

In the given facts and circumstances of the case where the case seems to be that of the year 2013 and active role of the petitioner has been found in the alleged act of cheating and forgery etc., this Court is not willing to extend the benefit of anticipatory bail to the petitioner.

The application is dismissed.

In case, however, the petitioner surrenders in the court below within a period of four weeks from today and prays for regular bail, his prayer for regular bail shall be considered on its own merit without being prejudiced by the order of this Court.

(Rajeev Ranjan Prasad, J)

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