

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9108 of 2020

Arising Out of PS. Case No.-10 Year-2019 Thana- ECONOMIC OFFENCES, BIHAR
District- Patna

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MD. RIZWAN @ MD. RIZWAN ALAM Son of Md. Afaque Resident of
Village - Malkana, P.O. - Masaurhi, P.S.- Masaurhi, Distt - Patna, presently
working as staff of Shop No.- 222, Hari Niwas Complex, Dukkunglow Road,
P.S.- Kotwali, Distt – Patna. Petitioner

Versus

1. THE STATE OF BIHAR
2. Economic Offences Unit, Bihar, Patna. Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr.Digvijay Narayan Singh
For the Opposite Party/s	:	Mr.Tarun Prasad Mandal
For the E.O.U.	:	Mr. V.N.P. Sinha

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

5 14-09-2020 Due to COVID-19 Pandemic, the matter is being
taken up by way of Virtual Court proceeding.

The matter has been listed under the heading ‘For
Orders’ under the orders of Hon’ble the Chief Justice.

Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner is apprehending his arrest in Economic
Offence P.S. Case No. 10 of 2019 registered under Sections
420, 467, 120(B) of the Indian Penal Code and 65, 66(C) and
66(D) of the I.T. Act, 2000.

The prosecution allegation, in short, is that in a raid
conducted by the Police, the accused persons were found



involved in cyber crime by changing the IMEI number of mobile.

It has been submitted on behalf of the petitioner that the petitioner has got no criminal antecedent. There is no allegation of tampering of witnesses alleged against the petitioner. The petitioner has falsely been implicated in the present case. The petitioner is alleged to be salesman of Shop No. 238. There is no recovery from the possession of the petitioner. The petitioner has been made accused due to mistake of fact.

Mr. V.N.P. Sinha, appearing on behalf of the E.O.U., submits that the petitioner is named in the F.I.R. The specific allegation is against the petitioner who was involved in tampering the IMEI number of the mobile phones.

Considering the nature of allegation, I am not inclined to grant anticipatory bail to the petitioner. The prayer is rejected. If the petitioner surrenders in the Court below, the same shall be considered on its own merit without being prejudiced by this order.

(Sudhir Singh, J)

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