IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 75075 of 2019

Arising Out of PS Case No.-30 Year-2014 Thana- ECONOMIC OFFENCES, BIHAR District- Patna

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Raman Singh (Male), aged about 39 years, Son of Late Treta Nath Singh, Resident of Village - Madhubani, P.S.- Sahebganj, District- Muzaffarpur.

... ... Petitioner/s

Versus

The State of Bihar through Economic Offence Unit.

... ... Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Rajendra Narain, Sr. Advocate
		Mr. Vijay Kumar Singh, Advocate
For the EOU	:	Mr. V N P Sinha, Sr. Advocate

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CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH

ORAL JUDGMENT

Date : 19-06-2020

The matter has been heard *via* video conferencing due to lockdown imposed on account of the COVID-19 pandemic.

2. Heard Mr. Rajendra Narain, learned senior counsel along with Mr. Vijay Kumar Singh, learned counsel for the petitioner and Mr. V N P Sinha, learned senior counsel for the EOU.

3. The petitioner is in custody in connection with Economic Offences PS Case No. 30 of 2014 dated 14.07.2014 instituted under Sections 420, 406/34 of the Indian Penal Code.

4. The allegation against the petitioner and others is that they had collected huge amount of money from many villagers on

the pretext that their company would set up mobile towers, but neither the towers were set up nor the money was returned.

5. Learned counsel for the petitioner submitted that he is not directly involved in running of the company as he has physical disability of 60% and was the Chief Administrative Officer, who used to sit only in the office, though his wife was one of the three Directors of the company. Learned counsel submitted that two other co-accused have been granted bail having spent lesser time in custody. It was further submitted that co-accused Vikrant Singh used to operate the account of the company in which money was deposited and he has siphoned off the money to his personal account and the petitioner is innocent. It was further submitted that the petitioner has one other case against him and is in custody since 28.08.2019.

6. Learned counsel for the EOU submitted that the petitioner is the kingpin of the entire crime as his wife was one of the three Directors in the firm and he himself was the Chief Administrative Officer. It was submitted that in that capacity, he was responsible for the actual functioning of the company and the money being taken from simple farmers and the work promised not being done clearly was with his active connivance. It was further submitted that during investigation, it has been found that

the petitioner had also transferred huge amount of money into his personal account from the company's account. Learned counsel submitted that the petitioner was granted provisional bail by the High Court in another case in which he is accused but he neither complied with the conditions nor did he surrender and had absconded. Learned counsel submitted that the other two accused cannot be said to be similarly situated, as actual executive/administrative power vested with the petitioner and his wife was also one of the Directors and further, that while granting bail to the other two co-accused, the High Court had noted the submission that it was the petitioner who was responsible for the transactions.

7. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, the Court is not inclined to enlarge the petitioner on bail.

8. Accordingly, the application stands dismissed.

(Ahsanuddin Amanullah, J.)

P. Kumar/Anand Kr.

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