

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.84830 of 2019**

Arising Out of PS. Case No.-6 Year-2019 Thana- ECONOMIC OFFENCES, BIHAR
District- Patna

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SHASHI BHUSHAN KUMAR @ RATNESH @ MINTU SINGH S/o Satish
Prasad Singh R/o Karhari, P.S.- Bhagwanpur, District- Vaishali.

... .. Petitioner

Versus

1. The State of Bihar
2. Economic Offence Unit, Bihar, Patna

... .. Opposite Parties

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Appearance :

For the Petitioner/s : Mr.Patanjali Rishi, Advocate
For the State : Mr.Umanath Mishra, APP
For the Economic Offence Unit: Mr.Vishwanath Prasad Sinha,Sr.Adv
Mr. Vijay Anand, Advocate

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

6 03-06-2020 This application has been placed for consideration by

the order of the Hon'ble the Chief Justice through virtual court

proceeding.

Heard learned counsel for the petitioner, learned APP
for the State and Mr. Vishwanath Prasad Sinha, learned Senior
Counsel assisted by Mr. Vijay Anand, learned Advocate on
behalf of the Economic Offence Unit.

The petitioner in the present case is seeking regular
bail in connection with Economic Offences Unit P.S. Case No.
06 of 2019 registered for the offences punishable under Section
419, 420, 511 and 120B of the Indian Penal Code, 1860 and



Sections 66C and 66D of the Information Technology Act.

Learned counsel for the petitioner submits that as per the First Information Report, the informant who is a Member of the Legislative Assembly was contacted on 01.08.2019 from mobile no. 9471299753 and the caller identified himself as Ratnesh who is OSD to the Chief Minister and then he inquired from the informant as to whether he had made any complaint against Amal Prakash, Executive Engineer of Rural Works Department which was denied by the informant. Again another call was made to the informant asking him some questions and thereafter the informant inquired the matter from Executive Engineer, Amal Prakash who in turn informed the informant that on 01.08.2019 he had received call from DM Office, Kishanganj from one staff Amrit Lal who had told him that he should talk to OSD Ratnesh on mobile no. 9471299753. When Executive Engineer talked to said Shri Ratnesh on the given mobile no., the person on the other side identified himself as OSD to the CM and informed him that there was a matter relating to the economic offence against him in the CM Secretariat and then on the pretext of helping him the Executive Engineer was asked to arrange for some money.

Learned counsel submits that it is alleged that this



petitioner had impersonated himself as OSD to CM but in course of raid when the petitioner was arrested three sim cards were recovered from the petitioner none of these sim cards were corresponding to the mobile no. 9471299753.

Learned counsel submits that the petitioner has been brought in this case as an accused only on suspicion because the location of the mobile no. corresponding to the sim card of the petitioner was found to be the same as that of mobile no. 9471299753. It is submitted that there is no other material to connect the petitioner with this case.

On the other hand, Mr. Vishwanath Prasad Sinha, learned Senior Counsel assisted by Mr. Vijay Anand learned Advocate for the Economic Offence Unit submits that in course of scientific investigation the location of these sim cards which were found in possession of the petitioner were the same location in the State of West Bengal from where the call was made from mobile no. 9471299753.

Mr. Sinha has further informed this Court that in the case diary some witnesses have come forward to say that they have also been duped by the petitioner and one of the witnesses, namely, Mr. Parmeshwar Singh who has made statement in paragraph '18' of the case diary has identified that he had given



the money to the petitioner while he was in Scorpio No. BR06PD0003. It is submitted that the petitioner has been arrested with the said Scorpio and admittedly Scorpio belongs to the petitioner.

Learned Senior Counsel further submits that the petitioner has got as many as four cases on his head, thus, he has got criminal antecedent and while enjoying the privilege of bail he has indulged in the present occurrence as such prayer has been made to refuse the prayer for regular bail.

Having heard learned counsel for the petitioner and learned Senior Counsel representing the Economic Offence Unit as also on perusal of the records, upon noticing that the petitioner has been arrested with the Scorpio and some witnesses have come forward to say that they had given money to the petitioner in the said Scorpio which belongs to the petitioner, further the location of three sim cards and their corresponding mobile phones have been found to be the same as that of the mobile no. from which call had been made to the MLA and demand of money was made from the Executive Engineer as also that the petitioner has four cases on his head and at least two cases are that of impersonation and cheating, considering that the petitioner is in custody only from 06.08.2019, this Court is not inclined to grant regular bail to the



petitioner at this stage.

Let the trial be expedited. In case the trial is not concluded within next six months the petitioner may renew his prayer for bail.

This Application stands disposed of accordingly

(Rajeev Ranjan Prasad, J)

SUSHMA2/Arvind

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

