

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.7097 of 2023

Arising Out of PS. Case No.-33 Year-2022 Thana- ECONOMIC OFFENCES, BIHAR Dis-
trict- Patna

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ABHISHEK AGRAWAL @ ABHISHEK BHOPALKA Son of Bishnu
Agrawal @ Bishnu Prasad Agarwal Resident of Nageshwar Colony, Ajay Ni-
layan Apartment, Flat No.- 22, Nageshwar Colony, P.S.- Budha Colony, Dis-
trict - Patna

... .. Petitioner/s

Versus

1. The State of Bihar
2. The Economic Offences Unit through S.P. Patna Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Shailendra Kumar Singh
For the Opposite Party/s	:	Mr. Ramchandra Sahni
For the EOU	:	Mr. Rana Vikram Singh

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CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

3 19-05-2023 Heard learned counsel for the petitioner, learned
counsel for EOU, Bihar and learned APP for the State.

The petitioner has prayed for regular bail in a case in-
stituted for the offence under Sections 353, 387, 419, 420, 467,
468, 120B of the Indian Penal Code and Sections 66(C) and
66(D) of the I.T. Act.

As per allegation in the FIR, some accused persons in
connivance, in the name of Hon'ble the Chief Justice of Patna
High Court, called the D.G.P. Bihar and other senior officers
by normal call and whatsapp call on their official mobile num-
bers asking them to take some administrative decision in favour



of one Senior Officer (co-accused Aditya Kumar). On verification, it came to light that mobile user was claiming himself to be the Chief Justice of Patna High Court and in place of his D.P., the photograph was C.J., Patna was fixed. Specific allegation against the petitioner is that he was the regular customer of Mobile shop namely, Mr. Gazette Mobile Shop and from the owner he had asked to provide him two SIM in the name of some other person as he had to give it to a Senior Police officer.

It is submitted by learned counsel for the petitioner that petitioner has been falsely implicated in this case. Petitioner is regular customer of Mobile Shop and he had purchased two SIM and given the same to his close friend who is an I.P.S. Officer, without accepting the unexpected fact that any senior police officer will commit any wrong act by using the said SIM and mobile. Petitioner has not made any wrong call to any one. This case is an outcome of the animosity existing between the two high officials of the police department and the petitioner has been made as scapegoat just because of being the friend of IPS Aditya Kumar. Petitioner is not the beneficiary in the entire episode. He is languishing in judicial custody since 15.10.2022.

The application for bail is opposed by learned APP for the State and learned counsel appearing for EOU, Bihar. They



submitted that petitioner is a named accused. Petitioner in association with co-accused Aditya Kumar conceived a plan to dupe the then DGP, Bihar in the name of the then Hon'ble the Chief Justice of this Court and he procured two SIM Cards of fake documents and then create a fake profile of Hon'ble the then Chief Justice. Petitioner is master mind of the alleged occurrence and he has prepared the whole conspiracy with co-accused Aditya Kumar for his benefit. Petitioner is said to be very close to co-accused Aditya Kumar, an IPS since last four years and recently a case against him relating to Excise, Act has been closed from Head Quarter level. The alleged mobile number was used by the petitioner to create a fake Whatsapp Account in the name of Hon'ble the Chief Justice, Patna High Court and made calls and chats to the then DGP on his mobile and took him in confidence and putting pressure upon him to take administrative decision in favour of IPS Aditya Kumar.

Having heard learned counsel for the parties and considering the facts and circumstances of the case, I am inclined to enlarge the petitioner on bail. The above named petitioner is directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Rs. ten thousand only) with two sureties of the like amount each to the satisfaction of the learned



Additional Chief Judicial Magistrate, 1st Patna in connection
with Economic Offences P.S. (Patna) P.S. Case No. 33 of 2022.

(Sunil Kumar Panwar, J)

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