

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28916 of 2023

Arising Out of PS. Case No.-8 Year-2020 Thana- ECONOMIC OFFENCES, BIHAR
District- Patna

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KISHORE KUMAR GUPTA Son of Mahendra Sah Resident of village -
Akbar Nagar Bazar, P.S.- Akbar Nagar, District - Bhagalpur.... ... Petitioner/s
Versus

1. The State of Bihar
 2. Cyber Crime Cell, Economic Offence Unit, Bihar, Patna
- Opposite Party/s
- =====

Appearance :

For the Petitioner/s	:	Mr.Dhirendra Kumar, Advocate
For the E.O.U.	:	Mr. Vishwanath Prasad Sinha, Sr.Advocate
	:	Mr. Vijay Anand, Advocate
For the Opposite Party/s	:	Mr.Ajay Mishra, APP

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 25-05-2023 Heard learned counsel for the petitioner, Mr. Vishwanath Prasad Sinha, learned senior counsel appearing for the E.O.U. assisted by Mr. Vijay Anand, learned counsel and the learned A.P.P. for the State.

The petitioner seeks bail, who is in custody since 15.02.2023 in connection with Economic Offence P.S. Case No. 08 of 2020, F.I.R. dated 02.11.2020 registered for the offence punishable under Sections 417,419,420,468,471of IPC and Section 66D of I.T.Act.

As per FIR, the present case has been registered against unknown 12 fake account holders for creating and operating fake accounts/profiles on social media in the name of Chief Minister's Secretariat, CMO Bihar, illegally and trying to



tarnish the image of the Chief minister.

Learned counsel appearing for the petitioner submits that the petitioner has clean antecedent and he has falsely been implicated in the present case. The allegation as alleged in the FIR is against altogether 12 fake illegal account holders on Twitter, Facebook and Instagram in the name of C.M.O. Office. Further submits that the allegation as alleged in the FIR is false and fabricated and the petitioner has not committed any offence as alleged in the FIR and it has come during investigation that the petitioner has not misused the aforesaid illegal account and the similarly situated co-accused person, namely, Anand Vaibhav @ Anand has been granted bail by a Coordinate Bench of this Hon'ble Court vide order dated 10.05.2023 passed in Cr. Misc. No.27144 of 2023 and the police, after investigation, submitted chargesheet against the petitioner and the petitioner is in custody since 15.02.2023.

Learned senior counsel appearing for the E.O.U. and learned APP for the State have opposed the prayer for bail of the petitioner.

Considering the aforesaid fact, let the petitioner, above named, be released on bail on furnishing bail bond of Rs.10,000/- (Ten Thousand) with two sureties of the like amount



each to the satisfaction of learned A.C.J.M.-I, Patna in connection with Economic Offence P.S. Case No. 08 of 2020,with the following conditions:-

(1) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on his/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be cancelled by the Court below.

(2) If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(3) And, further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage, it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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