

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.10770 of 2024

Arising Out of PS. Case No.-13 Year-2023 Thana- ECONOMIC OFFENCES, BIHAR
District- Patna

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Krishna Murari SON OF LATE BHUNESHWAR MAHTO RESIDENT OF
VILLAGE- PARBATI PS- SHAHPUR (OP), DISTT- NAWADAH

... .. Petitioner/s

Versus

1. The State of Bihar
2. THE STATE OF BIHAR THROUGH POLICE INSPECTOR, ECONOMIC
OFFENCE UNIT, BIHAR PATNA BIHAR

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 11584 of 2024

Arising Out of PS. Case No.-13 Year-2023 Thana- ECONOMIC OFFENCES, BIHAR
District- Patna

=====

Kanhaiya Prasad @ Kanhaya Prasad SON OF LATE BHUNESHWAR
MAHTO RESIDENT OF VILLAGE- PARBATI, PS- SHAHPUR OP ,
DISTT- NAWADAH

... .. Petitioner/s

Versus

1. The State of Bihar
2. THE STATE OF BIHAR THROUGH POLICE INSPECTOR, ECONOMIC
OFFENCE UNIT, BIHAR, PATNA. BIHAR, PATNA.

... .. Opposite Party/s

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Appearance :

(In CRIMINAL MISCELLANEOUS No. 10770 of 2024)

For the Petitioner/s	:	Mr. N. K. Agrawal, Sr. Advocate Mr.Ram Prawesh Kumar, Advocate
For the Opposite Party/s :		Mr.Ashok Kumar Singh, APP
For the EOU	:	Mr. V.N.P. Sinha, Sr. Advocate Ms. Soni Srivastava, Advocate

(In CRIMINAL MISCELLANEOUS No. 11584 of 2024)

For the Petitioner/s	:	Mr. N. K. Agrawal, Sr. Advocate Mr.Ram Prawesh Kumar, Advocate Ms. Diksha Kumari, Advocate
For the Opposite Party/s :		Mr.Ashok Kumar Singh, APP
For the EOU	:	Mr. V.N.P. Sinha, Sr. Advocate Ms. Soni Srivastava, Advocate

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

5 12-07-2024 Heard the parties.

2. The petitioners are in judicial custody in connection
with Economic Offence P.S. Case No. 13 of 2023 for the
offence punishable under Sections 419, 420, 467, 468, 471,



120(B) of the Indian Penal Code and 66(c), 66(D) I.T. Act lodged on 27.9.2023 by the informant, Mithilesh Kumar.

3. As per the prosecution story, the informant who is the SHO, Economic Offence, upon secret information that fraud calls are being made for loan approval by particular numbers xxxxx11704 and xxxxx91995 respectively as also for setting in STET exams, formed a team and made a raid in which it came to notice that it is the petitioner, Subodh Rout who trains the accused persons while the amount that was being received through the crime goes to the account of the another petitioner, Chandan Kumar. When the police reached Shishupal's house and search made, number of SIM cards, mobile phones and other things recovered/seized. The accused persons who were present, accepted the said facts and named these two petitioners who were able to escape through narrow lane. Accordingly, the FIR.

4. Learned Senior Counsel appearing for both the petitioners submit that admittedly, so far as the two brothers are concerned, the allegation is that they used to sell data @ Rs. 35 per person. His submission is that against Subodh Rout and Chandan Kumar, there is/are allegation of of training the young people as also the amount coming to the account of Chandan



Kumar. The further submission is that charge-sheet has already been submitted and charges too have been framed and they undertake to diligently appear in trial. Last submission is that while the petitioner, Krishna Murari has no criminal antecedent, the accused Kanhaiya Prasad has one criminal antecedent. Both are in judicial custody since 28.9.2023.

5. Learned Senior Counsel appearing on behalf of the Economic Offences Unit submits that a perusal of the FIR would show that innocent people are being cheated by these people and Subodh Rout the trainer whereas the amount used to come in the account of Chandan Kumar. Further, there is allegation against one Shishupal Kumar that he committed fraud upon the lady who had coughed up Rs. 80,000/-.

6. Taking into account the aforesaid facts as also that they have remained in custody for almost nine months, charge-sheet submitted and charges already framed, they undertake to diligently appear in trial, this Court is inclined to extend them the privilege of bail. However, if it found that the charges have not been framed, the petitioners should be released only after framing of the charges.

Let the petitioners be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties



of like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-1st, Patna, in connection with Economic Offence P.S. Case No. 13 of 2023 subject to the following conditions:

(i) one of the bailor should be the family member of the petitioners who shall provide official document to show his/her bona fide;

(ii) the petitioners shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of their bail bond by the Trial Court itself;

(iii) the petitioners shall appear before the concerned police station every for next one year to mark their attendance;

(iii) the petitioners shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(iv) the petitioners shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of their bail bonds.

(Rajiv Roy, J)

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