

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.15398 of 2024

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

Shyam Sunder @ Bittu @ Shyam Kumar S/O LATE MAHADEO MAHTO
R/O- PARVATI, PS.- SAHPUR O.P., DIST. - NAWADA. Petitioner/s
Versus

1. The State of Bihar
2. ECONOMIC OFFENCE, BIHAR, PATNA. BIHAR
... .. Opposite Party/s

Appearance :

For the Petitioner/s :	Mr.Rishinarayan Sinha, Advocate
For the Opposite Party/s :	Mr.Rajendra Prasad Nat, APP
For EOU :	Mr. V.N.P. Sinha, Sr. Advocate
	Ms. Soni Srivastava, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

5 17-05-2024 Heard Mr. Rishinarayan Sinha, learned counsel for
the petitioner, Mr. V.N.P. Sinha, learned Senior Counsel
representing Economic Office Unit duly assisted by Ms. Soni
Srivastava as also the State.

2. The petitioner is 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©, 66(D) of Information
Technology Act, 2000 lodged on 27.9.2023 by the informant,
Mithilesh Kumar.

3. As per the prosecution story, the Police Inspector
of the EOU, Bihar, Patna on reliable information about cyber
crime related to STET examination where the group used to
manage the entire affairs, picked up the accused persons after



forming special team and found that while Shisupal Kumar and Kanhaiya Prasad run the gang of cyber fraud, are being ably supported by Subodh Rout, Chandan Kumar, Gautam Sah (shopkeeper selling SIM) this petitioner, a MOMO seller, Priyanshu Kumar and Himanshu Kumar. They used to extort the common people.

4. Further, upon interrogation of Shisupal Kumar, the entire story came into picture, documents seized which shows the number, date of birth, subject and center of the candidates. The other recovered/seized materials/documents were mobiles of the accused persons including Kanhaiya Prasad and Krishna Murari. Further, when this petitioner was picked up from the house, Chandan Kumar escaped and upon interrogation and further check of his mobile, incriminating facts recovered/seized. Upon access of the mobile it was found that cyber fraud indeed be done by the accused persons and one of the victim was cheated Rs. 79,845/-. Accordingly, the FIR.

5. Learned counsel for the petitioner submits that he has nothing to do with the aforesaid crime, only because of his association with the other accused persons, picked up and the allegation thrust upon him, he is simple MOMO seller and his long judicial custody led the family members on the verge of



starvation. He do not have criminal antecedent, has remained in custody since 27.9.2023 (para-11 of the petition). It is his further submission that charge-sheet stands submitted vide charge-sheet no. 35 of 2023 on 21.12.2023 and the trial is continuing. It is his submission that if granted relief, he shall be diligently appearing in trial without fail.

6. Mr. V.N.P. Sinha, learned Senior Counsel appearing on behalf of the EOU opposes the prayer submitting that the crime committed by them affects the entire strata of the society and that that background, he does not deserve bail.

7. Though, the submission put forward by the learned Senior Counsel for EOU has force inasmuch as in the cyber crime beside the rich affects even the poor and the allegation that has come against the petitioner cannot be condoned. This Court takes a different view inasmuch as charge-sheet has been submitted, trial continuing, he is in custody since 27.9.2023 and undertakes to diligently appear in trial, the relief can be extended to him with condition.

8. Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of like amount each to the satisfaction of learned A.C.J.M.-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 petitioner who shall provide official document to show his bona fide;

(ii) the petitioner 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 his bail bond by the Trial Court itself;

(iii) the petitioner shall appear before the concerned police station every month till conclusion of the trial to mark his attendance;

(iv) the petitioner 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;

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

(Rajiv Roy, J)

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