

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25172 of 2024

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

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SHISHUPAL KUMAR @ BITTU SON OF PREM PRADIP KUMAR
RESIDENT OF VILLAGE - PARWATI, O.P. SHAHPUR, P.S. - KASHI
CHAK, DISTRICT - NAWADA

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr.Raj Kishor Prasad, Adv.
For the Opposite Party/s	:	Mr.Sanjay Kumar Tiwary, APP
For the EOU	:	Mr. V.N.P Sinha, Sr. Advocate.

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

6 06-09-2024 Heard Mr. Raj Kishore Prasad, learned counsel for

the petitioner, learned APP and Mr. V.N.P Sinha, learned Senior

Counsel for Economic Offence Unit, Bihar, Patna.

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(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 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 petitioner, 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 counsel for the petitioner submits that he has falsely been implicated in the case, has got no criminal antecedent and further the police made him to confess what is there on the record, is in custody since 28.09.2023 (para-4 of the petition). Learned counsel for the petitioner submits that some of the accused persons have been extended relief in Cr. Misc. No. 10770 of 2024 (Krishna Murari v. The State of Bihar & Anr) and Cr. Misc. No. 11584 of 2024 (Kanhaiya Prasad @ Kanhaya Prasad v. The State of Bihar & Anr.) *vide* order dated 12.07.2024. Let the same be kept on record.

5. Further, the submission is that without accepting the allegation and/or the outcome of the present petition, the petitioner on its own would like to give the Demand Draft of Rs.



80,000/- (Eighty thousand) to the complainant, Mahesh Yadav, Village-Bojabas, PS-Tijara, District-Alwar (Rajasthan) PIN-301411, issued by the local State Bank of India in his name by way of two installments of Rs. 40,000/- each, (total Rs. 80,000/-) one at the time of submitting bail bond while other within the period of 30 days thereafter.

6. Mr. V.N.P. Sinha, learned Senior Counsel appearing for Economic Offence Unit, Bihar, Patna, submits that he was the person from whom recovery/seizure was made and he also made Mahesh Yadav deprived of around Rs. 80,000/- as referred above.

7. Though allegation is there, FIR is also there, the petitioner will be facing the trial, for the present taking into account the fact that some of the accused persons have been granted relief, he has got no criminal antecedent, has remained in custody since 28.09.2023, charge-sheet has been submitted, he is ready to make payment of Rs. 80,000/-, as stated above to the complainant, Mahesh Yadav, this Court is inclined to extend the privilege of bail to the petitioner which will be subject to the payment made as indicated above and the drafts so submitted to the concerned court shall be sent by speed post to the Mahesh Yadav whose detail has already been incorporated hereinabove.



8. Let the petitioner, above named, 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 ACJM-1, Patna in connection with aforesaid PS Case, subject to the conditions as laid down under Section 438(2) of the Cr.P.C. as well as the following conditions:-

(i) one of the bailors should be the family member/relative of the petitioner who shall provide official document to show his/her 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 fortnight for next one year 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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