

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41643 of 2024

Arising Out of PS. Case No.-651 Year-2017 Thana- HILSA District- Nalanda

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Nandu Kumar Yadav, son of Yugal Yadav, Mohalla- Vijay Nagar PS Dist-
Banka

... .. Petitioner/s

Versus

1. The State of Bihar
2. The State Of Bihar through the Superintendent of Police, Economic
Offences Unit, Bihar Patna Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Md.Najmul Hodda, Advocate

For the Opposite Party/s : Mr.Brajendra Nath Pandey, APP

For the EOU : Mr. V. N. P. Sinha, Sr. Advocate

Ms. Soni Shrivastava, Advocate

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN

ORAL ORDER

3 25-09-2024 Heard Learned Counsel for the petitioner and Learned
A.P.P. for the State as well as Learned Sr. Counsel for the
Economic Offences Unit, Bihar.

2. The petitioner seeks regular bail in connection with
Hilsa P.S. Case No. 651 of 2017, lodged on 10.10.2017 under
Sections 420 and 379 of the Indian Penal Code.

3. It transpires from the FIR that the informant has
filed this case alleging that his Rs.2,12,997/- (Rupees Two Lakh
Twelve Thousand Nine Hundred and Ninety Seven Only) has



been extracted which was kept in the bank account of the informant. The police have submitted the final form on conclusion of the investigation, but subsequently in view of the order dated 19.04.2024 passed by this Court in Cr. W. J. C. No. 1137 of 2019, the Economic Offices Unit, Bihar has conducted the investigation and found that the petitioner's SIM has been used in the commission of the said crime.

4. Learned Counsel for the petitioner submits that the petitioner is innocent and has committed no offence. In fact, the petitioner is a poor villager and the only mistake on his part is that he was not close to his SIM number and has not submitted a Sanha to that effect before the concerned police station. He further submits that he is completely unaware about the commission of this crime as he resides in the village and the alleged transaction has taken place in Hyderabad. The antecedent of the petitioner is clean and he is in custody since 05.01.2024.

5. Learned counsel for the State opposes the prayer for bail.

6. Learned Sr. Counsel for the Economic Offences Unit submits that a proper and intense investigation took place in this case at the instance of this Hon'ble Court by the



Economic Offences Unit has submitted the chargesheet and in the chargesheet it has categorically come that the SIM which was purchased by the petitioner from a shop has been used in commission of the said crime. It has also come that the shopkeeper has categorically stated that the petitioner has purchased the SIM from his shop. It is true that the entire transaction of money has been done at Hyderabad.

7. After going through the record and the Case Diary, this Court is very much surprised that the Economic Offences Unit after the investigation has submitted the chargesheet but the said chargesheet has been submitted only under the provisions of the Indian Penal Code and they have not added the offences under the Information Technology act while the entire investigation indicates that violation of Information Technology Act took place. Upon specific query from the Counsel for the petitioner about the stage of the trial, he has submitted that he is completely unaware about the stage of the trial.

8. In the present facts and circumstances of this case, I am not inclined to grant regular bail to the petitioner.

9. Accordingly, the prayer for bail of the petitioner in connection with Hilsa P.S. Case No. 651 of 2017, pending before the ACJM, Hilsa (Nalanda) is hereby rejected.



9. However, the petitioner would be at liberty to renew his prayer for bail three months after the framing of the charge.

(Dr. Anshuman, J)

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