

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.67256 of 2023

Arising Out of PS. Case No.-33 Year-2022 Thana- ECONOMIC OFFENCES, BIHAR
District- Patna

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GAURAV RAJ SON OF GOPAL PRASAD RESIDENT OF HAMAN LINE
(HAMAN LANE) GURHATTA, PATNA CITY, P.S. - KHAJEKALA,
DISTRICT - PATNA

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR
2. ECONOMIC OFFENCE UNIT PATNA, BIHAR BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Shadab Akhter, Advocate Mr. Ranjan Kumar Jha, Advocate
For the State	:	Mr. Pawan Kumar Chaurasia, APP
For the EOU	:	Mr. Rana Vikram Singh, Spl. P.P., EOU Ms. Rasika, Advocate

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

4 02-02-2024 Heard Mr. Ranjan Kumar Jha, learned Counsel for the

petitioner and Ms. Rasika, learned Counsel for the Economic

Offence Unit.

2. The petitioner is in custody in connection with
Economic Offence (Patna) P.S. Case No. 33 of 2022 for the
offence under Sections 353, 387, 419, 420, 467, 468 and 120(B)
of the Indian Penal Code and Sections 66C & 66D of the
Information Technology Act lodged on 15.10.2022 by the
informant, Bhaskar Ranjan.

3. Earlier the case of the petitioner was heard and
rejected vide order dated 10.05.2023 passed in Cr. Misc. No.



11623 of 2023.

4. Again, a fresh application has been preferred whereafter a report was called for, which has since been received vide letter no. 27 of 2024 dated 30.01.2024 is incorporated hereinbelow:-

“From,

Sarika Vahalia

Additional Chief Judicial Magistrate-1st

Civil Court, Patna Sadar

To,

The Assistant Registrar

High Court of Judicature at Patna

*Sub:- Report of present stage of Economic Office
(Patna) P.S. Case No. 33 of 2022.*

*Reference: The order dated 05.01.2024 passed in Cr.
Miscellaneous No. 67256 of 2023 by the Hon'ble High Court,
Patna.*

Dated 30th January 2024

Sir,

With most respectfully, I have to submit that above noted subject and reference that on the perusal of case record of Economic Office (Patna) P.S. Case No. 33 of 2022, it appears that the petitioner Gaurav Raj is in judicial custody since 16.10.2022 and cognizance has been taken against the said petitioner on 15.12.2022. The police paper has already served to accused persons on 21.12.2022. Subsequently each and every co-accused persons are filling discharge petition under section 239 of Cr.P.C. one by one and the Ld. A.P.O. concerned has



filed the rejoinder also. The hearing is going on before the court now.

Net date is fixed on 02.02.2024.

Therefore, it is humbly requested to place it before the Hon'ble Court.

Yours faithfully,

Sd.-Illegible

*Additional Chief Judicial Magistrate-1st
Civil Court, Patna Sadar"*

5. As the FIR alleges, Gaurav Raj (petitioner herein) who owns Murgan Communication situated in Patna City took two SIMS on the documents of his staff, Rahul Kumar and gave it to one Shubham Kumar. He further informed Rahul Kumar that the authentication of documents failed and as such SIM could not be issued. Shubham Kumar in turn gave it to his friend, Rahul Ranjan Jaiswal who provided the SIM to Abhishek Agarwal.

6. The SIM no. 9709303397 so issued in the name of Rahul Kumar was used by Abhishek Agarwal to claim himself as the Chief Justice of Patna High Court and called the DGP, Bihar for a favour to an Indian Police Service Officer who was earlier posted as the SSP, Gaya.

7. Learned counsel for the petitioner submits that for no fault of his, he has been implicated, the only allegation him is



that the SIM which moved out of his shop was used for the alleged offence for which he has already suffered by being in custody since 16.10.2022 (as stated in paragraph 7 of the bail application). It is his submission that he will be diligently appearing in trial.

8. Learned Counsel appearing on behalf of the E.O.U, on the other hand, opposes stating that it was on the SIM given by him that was misused in the matter. It is her further submission that the accused persons who are on bail are deliberately delaying the trial.

9. To this learned Counsel for the petitioner submits that he is ready to make an appropriate application before the Trial Court so that his trial gets split up but has already suffered, as stated above. It is his further submission that Abhishek Agrawal, Rahul Ranjan Jaiswal as also Shubham Kumar have been granted bail by co-ordinate benches of this Court which are part of petition as Annexure 3 series.

10. Taking into account the aforesaid submissions put forward by the parties as also the period of custody and further he do not have criminal antecedent, Abhishek Agrawal has been granted bail in Cr. Misc. No. 7097 of 2023, others too have been granted bail (Annexure-3 series), this Court is inclined to extend



him privilege of bail but only after framing of the charges.

11. The Trial Court shall see to it that if the other accused persons are not appearing, or are resorting to delay process, his case is split up and he be proceeded against independently.

12. Let the petitioner be released on bail after framing of the charges on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of like amount each to the satisfaction of learned Court of A.C.J.M. 1 cum Special Judge Economic Offence, Patna Sadar, Patna in connection with Economic Offence (Patna) P.S. Case No. 33 of 2022 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 the 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.

13. With the aforesaid observations, the bail application is allowed.

(Rajiv Roy, J)

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