

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.50917 of 2024

Arising Out of PS. Case No.-5 Year-2024 Thana- ECONOMIC OFFENCES, BIHAR
District- Patna

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Mithlesh Bishwakarma @ Mithilesh Kumar Sharma @ Mithilesh
Viishwakarma SON OF RAUSHAN BISHWAKARAMA R/o Village
-Sasamusa PS- Kuchaykote District -Gopalganj Petitioner/s
Versus

- 1. The State of Bihar
- 2. The Additional Director General Of Police (Economic Offences Unit), Bihar
Bihar. Opposite Party/s

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Appearance :
For the Petitioner/s : Mr.Amit Kumar Pandey, Advocate
For the Opposite Party/s : Mr.Vinod Shanker Modi, APP
For the E.O.U. : Mr.Vishwanath Prasad Sinha, Sr.Advocate
: Mr. Vijay Anand, Advocate

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

5 17-04-2025 Heard Mr.Amit Kumar Pandey, learned counsel for

the petitioner, Mr.Vinod Shanker Modi, learned Additional

Public Prosecutor for the State and Mr.Vishwanath Prasad

Sinha, learned senior counsel appearing for the E.O.U. assisted

by Mr. Vijay Anand, learned counsel.

2. The petitioner is apprehending his arrest in
connection with Economic Offence P.S. Case No.05 of 2024,
dated 08.03.2024 registered for the offences punishable under
Sections 387,420,467,468,471,120B of IPC, Section 66 of I.T.
Act and Section 42 of Telecommunication Act, 2023.

3. Allegation against the petitioner is that he engaged
in cyber crime by using several electronic devices. The Simbox



machine and electronic devices were recovered from the rented house of the petitioner.

4. Learned counsel appearing for the petitioner submits that the petitioner has clean antecedent. He has falsely been implicated in the present case. As per allegation in the FIR, due to act of the petitioner and other co-accused persons, the BSNL has received a huge monetary loss and it has been transpired that the name of the petitioner has been transpired on the basis of the confessional statement of co-accused person, namely, Anil Kumar Sharma who happens to be the brother-in-law of the petitioner. Learned counsel for the petitioner submits that except the confessional statement of co-accused person, namely, Anil Kumar Sharma, no other cogent material has come during investigation against the petitioner to suggest the involvement of the petitioner in the present occurrence and petitioner has falsely been implicated in the present case.

5. Mr.Vishwanath Prasad Sinha, learned senior counsel appearing for the E.O.U. and learned APP for the State, on the basis of the material available on the record and the case diary, have vehemently opposed the prayer for anticipatory bail of the petitioner and submits that it transpired from the FIR as well as the seizure list that a number of articles have been



received from the place of occurrence, apart from that, co-accused person, namely, Anil Kumar Sharma has confessed his guilt in the present occurrence and he has also stated that the petitioner was also involved in the present crime in question, apart from that, he has also stated that the petitioner and one Md. Asarullah Ansari have installed some Simbox machine by which the international call is converted into local call and apart from that, it has come during investigation that the petitioner was living with the co-accused person, namely, Anil Kumar Sharma.

6. Considering the aforesaid facts as well as nature of allegation against the petitioner as alleged in the FIR which is very serious offence against Nation, I am not inclined to grant privilege of anticipatory bail to the petitioner in connection with Economic Offence P.S. Case No.05 of 2024 pending in the court of learned Additional Chief Judicial Magistrate 1st Patna.

7. Prayer is refused.

(Rajesh Kumar Verma, J)

Nitesh/-

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