

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.62421 of 2023

Arising Out of PS. Case No.-10 Year-2023 Thana- ECONOMIC OFFENCES, BIHAR
District- Patna

Sudhanshu Raj, Male, aged about 27 years, S/O Uma Shankar Singh,
Resident of Mohalla- Araya Samaj Road, Bhawanipur Jirat, Near Simran
Hotel, Police Station- Chhatauni, Dist- East Champaran
... .. Petitioner/s

Versus

- 1. The State Of Bihar
- 2. The Director Economic Offence Unit, Bihar, Patna

... .. Opposite Party/s

with
CRIMINAL MISCELLANEOUS No. 61590 of 2023

Arising Out of PS. Case No.-10 Year-2023 Thana- ECONOMIC OFFENCES, BIHAR
District- Patna

Prakash Chandra Singh @ Prakash Chand Singh, Male, age about 63 years,
Son Of Chandra Shekhar Singh, C/O Sunil Kumar, Resident of village-
Village - Jagat Narayan Road, Usha Lane, P.S. - Kadamkuan, Dist- Patna
... .. Petitioner/s

Versus

- 1. The State of Bihar
- 2. Economic Offence Unit

... .. Opposite Party/s

with
CRIMINAL MISCELLANEOUS No. 63317 of 2023

Arising Out of PS. Case No.-10 Year-2023 Thana- ECONOMIC OFFENCES, BIHAR
District- Patna

Manas Kumar @ Manash Kumar, Male, age about 25 years, Son Of Sanjay
Prasad Singh R/O Vill - Bhusiya, P.S. - Rajoun, Distt. - Banka
... .. Petitioner/S

Versus

- 1. The State Of Bihar
- 2. The Director Economic Offence Unit, Bihar, Patna

... .. Opposite Party/s

with
CRIMINAL MISCELLANEOUS No. 63754 of 2023

Arising Out of PS. Case No.-10 Year-2023 Thana- ECONOMIC OFFENCES, BIHAR
District- Patna

Vineet Kumar, aged about 37 years, Gender-Male, Son Of Late Shiv Chandra
Rai, Resident Of Mohalla - Yadav Chowk, Nayatola, Hajipur, P.S. - Town,
District - Vaishali
... .. Petitioner/s



Patna High Court CR. MISC. No.62421 of 2023(8) dt.21-03-2024
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Versus

1. The State of Bihar
2. Economic Offence Unit, Bihar Patna through it's Superintendent Bihar
3. Superintendent of Police, Economic Offence Unit, Bihar
- Opposite Party/s

with
CRIMINAL MISCELLANEOUS No. 65356 of 2023

Arising Out of PS. Case No.-10 Year-2023 Thana- ECONOMIC OFFENCES, BIHAR
District- Patna

Suraj Kumar Singh, male, aged about 29 years, S/O Surendra Prasad Singh @
Surendra Singh Resident of Gaay Bazar, Maheshwari Chowk, S.B.I. Bank,
Sonepur, P.O- Sonepur, P.S- Sonepur, Distt.- Saran, (Bihar)-841101.
... .. Petitioner/s

Versus

1. The State of Bihar
2. Economic Offence Department, Bihar, Patna.
- Opposite Party/s

with
CRIMINAL MISCELLANEOUS No. 70436 of 2023

Arising Out of PS. Case No.-10 Year-2023 Thana- ECONOMIC OFFENCES, BIHAR
District- Patna

Anand Kumar, aged about 25 years, Gender-Male, S/O Bimal Kumar Verma,
Resident of Village- Rampur Nagwan, P.S- Paliganj, Distt.- Patna.
... .. Petitioner/s

Versus

The State Of Bihar through the Superintendent Of Police, Economic Offence
Unit, Bihar, Patna.
... .. Opposite Party/s

Appearance :
(In CRIMINAL MISCELLANEOUS No. 62421 of 2023)
For the Petitioner/s : Mr. Anil Kumar, Advocate
For the Opposite Party/s : Ms. Renu Kumari, Advocate
For the EOU : Mr. V.N.Prasad Sinha, Senior Advocate
: Mr. Vijay Anand, Advocate
: Mrs. Soni Srivastava, Advocate
(In CRIMINAL MISCELLANEOUS No. 61590 of 2023)
For the Petitioner/s : Mr. Amit Anand, Advocate
For the Opposite Party/s : Mr. Binod Kumar, Advocate
For the EOU : Mr. V.N.Prasad Sinha, Senior Advocate
: Mr. Vijay Anand, Advocate
: Mrs. Soni Srivastava, Advocate
(In CRIMINAL MISCELLANEOUS No. 63317 of 2023)
For the Petitioner/s : Mr. Anil Kumar, Advocate
For the Opposite Party/s : Ms. Renu Kumari, Advocate
For the EOU : Mr. V.N.Prasad Sinha, Senior Advocate
: Mr. Vijay Anand, Advocate



	:	Mrs. Soni Srivastava, Advocate
(In CRIMINAL MISCELLANEOUS No. 63754 of 2023)		
For the Petitioner/s	:	Mr. Devendra Kumar Sinha, Senior Advocate
		Mr. Alexander Ashok, Advocate
		Mr. Rai Ramesh Prasad, Advocate
For the Opposite Party/s	:	Mr. Dr. Ajeet Kumar, Advocate
For the EOU	:	Mr. V.N.Prasad Sinha, Senior Advocate
	:	Mr. Vijay Anand, Advocate
	:	Mrs. Soni Srivastava, Advocate
(In CRIMINAL MISCELLANEOUS No. 65356 of 2023)		
For the Petitioner/s	:	Mr. Rakesh Mohan Singh, Advocate
For the Opposite Party/s	:	Mr. Zainul Abedin, Advocate
For the EOU	:	Mr. V.N.Prasad Sinha, Senior Advocate
	:	Mrs. Soni Srivastava, Advocate
(In CRIMINAL MISCELLANEOUS No. 70436 of 2023)		
For the Petitioner/s	:	Mr. Ramakant Sharma, Senior Advocate
		Mr. Ravi Ranjan Kumar, Advocate
For the Opposite Party/s	:	Mr. Vishwanath Pd. Sinha, Senior Advocate
		Mr. Rana Vikram Singh, Advocate

CORAM: HONOURABLE MR. JUSTICE RAMESH CHAND MALVIYA

CAV ORDER

8 21-03-2024 Heard both parties.

2. Since all the six cases are arising out of the same P.S., i.e., Economic Offence P.S. Case number 10 of 2023 and they are being heard and disposed of together.

3. The petitioners are in custody in connection with Economic Offences P.S. Case No. 10 of 2023 registered for the offences punishable under Sections 406,419,420,467,120(B) of the Indian Penal Code and Sections 66(c) (d) of the Information Technology Act, 2000 pending in the Court of learned Additional Chief Judicial Magistrate-I, Patna.

4. The prosecution case, in brief, is that informant is Police Inspector, Economic Offence Unit, who alleged that several complaints of Cyber Fraud were being received from



general public over Cyber Crime reporting portal and have been duping Crores of Rupees from Public from all over the country. On Complaints being received about the fraud being committed by some unknown persons through WhatsApp/Telegram messenger by inducing them in the name of online work and earn much income. While inquiring, it was found that cyber delinquents are asking to deposit money in the Account No. 334105500548 of I.C.I.C.I. bank, through WhatsApp/Telegram Messenger and used to offer work from home. The Economic offence unit on 22.05.2023 at 11.30 A.M. headed towards I.C.I.C.I. Bank, Kadamkuan, Patna, for the verification, wherein it appeared that the said account was a current account in the name of Cap Bottle Services Pvt. Ltd. and it was also found that Prakash Chandra Singh and Ajay Kumar Singh are alleged to be the directors of the said company and the said bank account is being operated by both above named persons. The Bank Manager revealed that at the time of opening of the said bank account, he was approached by the accused persons who impersonated as bank Directors and CA of the said company. In total, five accounts were asked to be opened by co-accused in which only two account were opened, bearing Account No. 334105500548 dated 05.05.2023 and Account No.



334105500544 dated 07.05.2023. Subsequently, the bank manager freeze the debit in the said two accounts for which Prakash Chandra Singh and Sudhanshu Raj approach the bank in removing the hold in accounts and both were apprehended at the same time. After enquiry, Sudhanshu Raj disclosed that he along with other co-accused persons are engaged in the registration of Private Limited Companies and opening of the Bank accounts. Other co-accused were also apprehended on information received by the co-accused and Vineet was found in Hajipur on information given by the apprehended persons and both apprehended persons disclosed that the accounts were opened on the instruction of Suraj and all the information regarding the said accounts lies with Suraj, who was also apprehended later on. Mobiles, documents, laptop, cash were seized and seizure list was prepared accordingly at Hajipur along with from the rented house of Sudhanshu Raj situated at Yadav lodge, Chandmari road, Patna and thereafter all the accused persons along with seized articles were brought before the Economic Office Unit Office, Patna.

5. Learned Counsel for the State and Learned Senior Counsel and Learned Counsels for the Economic Offences Unit have vehemently opposed the prayer for bail of the petitioners.



Learned Senior Counsel further submits through the counter affidavits filed by the EOU, that it is a serious offence of Online fraud where innocent people are made victims of these perpetrators and the accused persons are the main culprits in this present matter. It is further submitted that the hoax companies opened by the accused persons is used to commit the crimes and loot crores of rupees from the local mass. It is also submitted that several complaints have been made against the said Capbottle Services Pvt. Ltd., in different states of India and the accused persons have been actively participating in the fraud and it is evident from the charge-sheet that the bank account was used in transacting the money taken from the innocent public.

6. The learned senior counsel for the EOU relied on the passed by **Hon'ble Apex Court** in case of **Tarun Kumar Vs Assistant Director, Directorate of Enforcement (Cr. Appeal No. 3593 of 2023)** has held that-

“It is trite that the court while considering an application seeking bail, is not required to weigh the evidence collected by the investigating agency meticulously, nonetheless, the court should keep in mind the nature of accusation, the nature of



evidence collected in support thereof, the severity of the punishment prescribed for the alleged offences, the character of the accused, circumstances which are peculiar to the accused, reasonable possibility of securing the presence of the accused at the trial, reasonable apprehension of the witness being tampered with, the larger interests of the public/State etc. Though, the findings recorded by the Court while granting or refusing bail would be tentative in nature, nonetheless the Court is expected to express prima-facie opinion for granting or refusing to grant bail which would demonstrate an application of mind, particularly dealing with the economic offences”

7. The learned senior counsels and learned counsels for the petitioners have categorically submitted that the petitioners are quite innocent and have not committed any crime.

8. Learned counsel for the accused Sudhanshu Raj



and Manas Kumar@ Manash Kumar submitted that both accused persons are interns at the office of Chartered Accountant, Deepak Kumar and were doing internship and during the course of internship they were working according to the work assigned to them and no incriminating articles have been recovered from the accused persons and there is no direct evidence against the both the accused persons. It is further submitted that Sudhanshu Raj is suffering from severe piled disease and is under serious medical issue and needs constant medical treatment and bail application should be accepted due to his medical condition and both the petitioners are in custody since 23.05.2023 and 24.05.2023 respectively.

9. Learned counsel for the petitioner Prakash Chandra Singh @ Prakash Chand Singh has submitted that he is old and aged person and he has no concerns with the alleged occurrence, he is also not involved in the said cyber-crime, he is a social worker for 12 years. His name has been transpired when the other co-accused persons fraudulently took the documents of the petitioner to register the “Jai Mata Di Shanti Samiti” where he was working as social worker and no incriminating article has been found in conscious possession of the petitioner.

10. Learned Senior Counsel for the petitioner Vineet



Kumar submitted that he is innocent and was not present at the place where other accused persons were arrested and he was only grabbed with ulterior motives and had no business or engagement as such with the alleged online fraud committed by the co-accused persons. It is further submitted that nothing has been recovered from the possession of the petitioner.

11. Learned Counsel for the petitioner Suraj Kumar Singh submitted that the petitioner is innocent and has no relation with alleged crime and nothing has been recovered from conscious possession of the petitioner and it is a concocted story of EOU to falsely implicate the petitioner. The counsel further submitted that the he was working in the office of Chartered Accountant Deepak Kumar Pandey and the petitioner is suffering from loco-motor disability with a percentage of 60% and is dependent on others for doing daily works.

12. Learned Senior counsel for the petitioner-Anand Kumar submitted that he is innocent and has been falsely implicated in this present case and has been made accused merely on the basis of suspicion without any conscious recovery from the petitioner and there are no independent witnesses to the seizure list. He further submitted that the petitioner were forced to sign a blank sheet of paper which was later converted into



confessional statement by the police officials. The petitioner is in custody since 24.05.2023.

13. On perusal of the case dairy, FIR, seizure list, Counter affidavits filed in all the above cases and submissions made by the learned counsels for the petitioners, it appears that the present matter is of Online Fraud and Cyber-crime, where huge sum of money was cheated by many people on pretext online scam done by a group of people. The petitioners were apprehended on the basis of information received from the accused person on the basis of complaint of Lalan Kumar and other victims of the said online fraud where the accused persons were later on apprehended by the police officials at the bank. On perusal of the seizure list, it appears that various incriminating articles have been recovered from the possessions of the co-accused persons. All co-accused persons have given confessional statement before the police officials stating the details of the crime committed and the role played by them in committing the crime.

14. It is also evident from the case diary that petitioners were apprehended on the basis of enquiry and raids done by the Economic Offences Unit, Bihar wherein it was found that the said bank account no. 334105500548 of ICICI



Bank was in use and several other complaints were also lodged against the same bank account in the NCRP Portal. Co-accused Manas Kumar also aided in opening the various sham private limited companies and letter heads of such companies were recovered from his conscious possession. Co-accused Vineet Kumar was working on commission and regulated the said Companies. Co-accused Suraj Kumar was the mind behind the whole scam and was in constant touch with all the co-accused persons as evident from the case diary. Co-accused Anand Kumar used to arrange SIM cards and manage the encashment of Cheques through other co-accused persons. As per paragraph 95 of the case diary from the statement of the Bank Manager, it is evident that accused Sudhanshu Raj and Prakash Chand Singh impersonated as CA and Director and met with the bank manager to open several bank accounts which subsequently alerted the Economic Offences Unit. On perusal of paragraph 101 of the case diary, the bank statement of one current account of the Capbottel Service Pvt. Ltd., shows that it was used for depositing and withdrawal of huge amounts of money. It is also evident from the case diary that the accused persons have meticulously laid out this plan and have been executing it in a well-established manner. As per paragraph-148 of the case diary,



it is evident from the Bank Statement of the current account that total of **80 lacks** was the balance and **64 lacks** were withdrawn between 01.10.2022 to 31.10.2022, against during the month of November, 2022 approximately **1.5 crores** was transacted. For the month of January, 2023 **5 crores** were transacted and for the February, 2023, **2.5 crores** were transacted. Similar sum of money was transacted regularly from the bank account till May, 2023 and in para-149 of the case diary also stated that the transactions were made by the co-accused persons. As per paragraph- 212 of the case dairy, it appears that seven companies have been registered at the same address and directors namely Ajay Kumar and Prakash Chandra Singh (petitioners). The counter affidavits of the present cases mentions that Lalan Kumar was a victim in the present case whose money was duped by the alleged online fraud and the call records of the petitioners shows that they were constantly contacting each other through mobile phones and were active participants of the alleged criminal activity.

15. The Hon'ble Apex Court in Tarun Kumar Vs Assistant Director, Directorate of Enforcement (supra) held that-

“The economic offences constitute a class apart



*and need to be visited with a different approach in the matter of bail. The economic offences having deep-rooted conspiracies and involving huge loss of public funds need to be viewed seriously and considered as grave offences affecting the economy of the country as a whole and thereby posing serious threat to the financial health of the country. Undoubtedly, economic offences have serious repercussions on the development of the country as a whole. To cite a few judgments in this regard are **Y.S. Jagan Mohan Reddy vs. Central Bureau of Investigation ((2013) 7 SCC 439)** , **Nimmagadda Prasad vs. Central Bureau of Investigation ((2013) 7 SCC 466)** , **Gautam Kundu vs. Directorate of Enforcement ((2015) 16 SCC 1)**, **State of Bihar and Another vs. Amit Kumar alias Bachcha Rai ((2017) 13 SCC 751)**. This court taking a serious note with regard to the economic offences had observed as back as in 1987 in case of **State of Gujarat vs. Mohanlal Jitamalji Porwal and Another((1987) 2 SCC***



364) as under:-

“5... The entire community is aggrieved if the economic offenders who ruin the economy of the State are not brought to books. A murder may be committed in the heat of moment upon passions being aroused. An economic offence is committed with cool calculation and deliberate design with an eye on personal profit regardless of the consequence to the community. A disregard for the interest of the community can be manifested only at the cost of forfeiting the trust and faith of the community in the system to administer justice in an even-handed manner without fear of criticism from the quarters which view white collar crimes with a permissive eye unmindful of the damage done to the National Economy and National Interest...””.



16. Cyber frauds can only be committed through online technology, thus to commit these kinds of crimes, a person has to be very skilled in internet and computer to commit such a crime. The people who have committed cyber-crime are well educated and have deep understanding of the usability of internet, and that's made work of police machinery very difficult to tackle the perpetrators of cyber-crime and pinpoint the guilty person amongst the innocent persons.

17. Cyber Crime is a growing menace in India and the report of Central Government Bureau reports that around 65,893 cases were registered under cyber-crime, showing an increase of 24.4 per cent compared to 52,974 cases in 2021. Bharat saw a rise of 24 per cent in cyber-crime registered in 2022 compared to 2021, this has subsequently increased many times in the present scenario. Looking at the vast picture of the of online frauds and cyber crimes in recent times which is happening all over the country and expressing my concern along with the fact that there is hardly anyone left who has not been attempted for cyber fraud. The cyber fraudsters are so advanced and sophisticated that the Central Government and State Government authorities are unable to catch hold of the persons at fault. The Government of India and



the State Government should make a plan that such crimes should be stopped. The police authority should not leave no stone unturned in filing such a detailed CDR that the real culprits are nabbed in no time. The IP logs analysis, supported documents should also be used to create a full-proof case.

18. Basing the opinions on the findings of the investigating agency and submissions made by the learned counsels for both the parties and perusal of other submitted documents, it appears that the petitioners are involved in the alleged offences and they have played a crucial part in the said offence. Considering the above facts and circumstances and considering the larger interest of public, I am not inclined to grant bail to the petitioners and prayer for bail of the petitioners is hereby rejected. The accused having the right of speedy trial, the trial court is thus, directed to conclude the trial of the petitioners preferably within a period of two years from the date of receipt of a copy of this order.

19. The prayer for bail of six petitioners is hereby rejected.

(Ramesh Chand Malviya, J)

Brajesh Kumar/-

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