

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38807 of 2020**

Arising Out of PS. Case No.-163 Year-2020 Thana- WARISLIGANJ District- Nawada

SHIV KUMAR S/o Late Sanjay Pandit R/o Village- Baghi Chakwae, P.S.-
Warisaliganj, District- Nawada

... .. Petitioner/s

Versus

1. The State of Bihar Bihar
2. The Reserve Bank Of India, Patna Bihar Bihar
3. The Economic Offences Unit (EOU), Bihar Bihar
4. Twitter India
5. Youtube India
6. WhatsApp, LLC India
7. Meta Platforms, Inc. India
8. Google India
9. Department of Telecommunication through Secretary, Govt. of India. India
10. Ministry of Information and Broadcasting through Secretary, Govt. of India.
India

... .. Opposite Parties

with

CRIMINAL MISCELLANEOUS No. 22001 of 2021

Arising Out of PS. Case No.-493 Year-2020 Thana- LAHERIMUHALLA District- Nalanda

Bachan Kumar @ Ram Bachan Kumar Son Of Karu Sao Resident Of Village-
Rasalpur, Police Station- Katrisarai, District- Nalanda

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

with

CRIMINAL MISCELLANEOUS No. 43748 of 2021

Arising Out of PS. Case No.-101 Year-2021 Thana- KASHICHAK District- Nawada

RINKU SINGH @ DEEPAK KUMAR @ DEEPAK KUMAR RINKU S/o
Late Chotan Singh Resident of Village- Khakhri, P.S.- Town, Police Station-
Kashichak, District- Nawada.

... .. Petitioner

Versus

The State Of Bihar



... .. Opposite Party

Appearance :

(In CRIMINAL MISCELLANEOUS No. 38807 of 2020)

For the Petitioner : Mr. Pramod Kumar Verma, Advocate
For the Union of India : Dr. K.N. Singh, Addl. Solicitor General
Mr. Manoj Kumar Singh, Advocate
For the R.B.I. : Mr. K.K. Jha, Senior Advocate
Mr. Amit Prakash, Advocate
For the State : Mr. Ajay, G.A.-5
Mr. Shailendra Kumar, APP
Mr. Jharkhandi Upadhyay, APP
For JIO : Mr. Ratnakar Pandey, Advocate
For Airtel and Vodafone : Mr. Rajesh Ranjan, Advocate
For the Intervenor : Mr. Bhaskar Shankar, Advocate
Mrs. Prakritita Sharma, Advocate
Mr. Manu Tripurari, Amicus Curaie
Mr. Santosh Kumar, Amicus Curaie

(In CRIMINAL MISCELLANEOUS No. 22001 of 2021)

For the Petitioner : Mr. Sudish Kumar, Advocate
For the Opposite Party : Mr. Binod Kumar, APP

(In CRIMINAL MISCELLANEOUS No. 43748 of 2021)

For the Petitioner : Mr. Mukesh Kant, Advocate
For the Opposite Party : Mr. Tarkeshwar Nath Thakur, APP

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

20 04-03-2022 These matters have been heard through video conferencing.

Heard Sri Mukul Rohatgi, learned Senior Advocate assisted by Sri Ajit Warriar, Mr. Varun Pathak, Smt. Ekta Sharma and Smt. Sheniza Farid, learned Advocates for respondent no.11-Meta Platforms, Inc., Sri Shashi Anugrah Narain, learned Senior Advocate assisted by Mr. Suresh Prasad Singh, learned counsel for the Punjab National Bank, Sri Amit Shrivastava, learned Senior Advocate, assisted by Sri Girish Pandey, Smt. Mamta Rani, Smt. Shrruttima Ehersa, Sri Rohan Ahuja, Sri Vatsalya Vishal and Smt. Riya Gupta, learned



Advocates, for the respondent nos. 8 and 12, Youtube LLC & Google LLC., Sri Samir Ali Khan, learned Advocate for the WhatsApp LLC, Sri Ajay, G.A.-5 assisted by Sri Shailendra Kumar, Sri Binod Kumar, Sri Tarkeshwar Nath Thakur, learned APPs for the State, Smt. Soni Srivastava, learned counsel for the Economic Offences Unit (for short “EOU”) and Sri Manu Tripurari and Santosh Kumar, learned Amicus Curiae.

Matter with regard to Punjab National Bank

It has been submitted by Sri S.N. Narain, learned Senior Advocate that response filed by Amicus Curiae has not been served upon them till date.

Mr. Santosh Kumar and Mr. Manu Tripurari, learned Amicus Curiae pray for a few more days’ time to finalize their response and file the same after serving a copy thereof on Mr. Suresh Prasad Singh, learned counsel for the Punjab National Bank. They are granted time till 08.03.2022 to serve a copy thereof upon learned counsel for the Punjab National Bank.

This matter of P.N.B. will be taken upon on ***11.03.2022 in virtual mode.***

Interlocutory Application filed by Ms.Kanchan Jha.

Sri Apurva Kumar, learned Advocate has filed an



Interlocutory Application on behalf of Ms. Kanchan Jha, who has lost more than 21 lakhs in cyber fraud by the cyber criminals and she has filed a complaint with the Kadamkuan Police Station but the Kadamkuan Police Station has not registered the F.I.R.

This action of the Officer-in-Charge of the Kadamkuan Police Station is contemptuous and this Court in the order dated 21.02.2022 has specifically stated that the Officer-in-Charge of a Police Station cannot deny to register F.I.R. in such type of matter and moreover this action of the Kadamkuan Police Station in not registering the F.I.R. is also violative of the directions of the Apex Court in the case of *Lalita Kumari vs. State of U.P.* reported in *(2014) 2 SCC 1*.

The Officer-in-Charge of the Kadamkuan Police Station is directed to file a show cause as to why a contempt proceeding be not initiated against him for not registering the F.I.R. of Ms. Kanchan Jha. The show cause must be filed by 10.03.2022.

Since the matter relates to a huge amount of money and the Economic Offences Unit is well equipped to investigate such kind of crimes, hence the applicant Ms. Kanchan Jha is directed to file her complaint to the E.O.U. by tomorrow and



serve a copy of the same upon learned counsel appearing for the
E.O.U.

The E.O.U. is directed to register an F.I.R., proceed
with the investigation and file a status report within two weeks
from today.

The concerned Banks from which the amount has
illegally been withdrawn are also directed to file their counter
affidavits by 10.03.2022.

Put up this matter on *11.03.2022 through virtual
mode.*

Matter with regard to Telecom Companies

The matter will be heard on *11.03.2022 through
virtual mode.*

(Sandeep Kumar, J)

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