

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4034 of 2020

Arising Out of PS. Case No.-10 Year-2019 Thana- ECONOMIC OFFENCES, BIHAR
District- Patna

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Ashutosh Kumar @ Ashutosh Kumar Amar Son of Dhanushri Lal Das Baiey
road, Near Sheikhpura Middle School, Sheikhpura, Phulwari, Patna-
Phulwari, Bihar.800014

... .. Petitioner/s

Versus

1. The State of Bihar
2. Abhishek Kumar, Police S.I., Economic Offence Unit, Rajbansi Nagar P.S.-
Shastri Nagar, Bihar, Patna.800001

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Dayanand Singh

For the Opposite Party/s : Mr.Ram Naresh Ray

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

5 17-09-2020 The present petition has been taken up for consideration

through the mode of Video conferencing in view of the

prevailing situation on account of COVID 19 Pandemic,

requiring social distancing.

Heard the learned counsel for the petitioner and Shri Ram
Naresh Ray, learned A.P.P. for the State.

The petitioner apprehends his arrest in connection with
Economic Offence P.S. Case No. 10 of 2019 for the offence
registered under Sections 420, 467 and 120(B) of the Indian
Penal Code and Sections 65, 66(C) and 66(D) of the
Information Technology Act, 2000.

The allegation is regarding the petitioner and one another



co-accused person being engaged in changing the IMEI number of the mobile in their mobile repairing shop.

The learned counsel for the petitioner has submitted that the petitioner is innocent, he has been falsely implicated in the present case and is having a clean antecedent. It is further submitted that the petitioner is having no complicity in the matter inasmuch as he had sub-let the shop in question to the co-accused person namely, Md. Rizwan Alam and one another by a rent deed dated 21.05.2015, hence the petitioner cannot be held responsible for an incident which has taken place on 22.10.2019.

Per contra, the learned senior counsel Shri Vishwanath Singh, appearing for the Economic Offence Unit has vehemently opposed the prayer for bail.

Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the parties and taking into account the fact that the petitioner is having a clean antecedent and had sub-let the shop in question to the co-accused person, I find that the benefit of doubt can be extended to the petitioner herein for the purposes of admitting him to the privilege of anticipatory bail, however, subject to certain conditions.



Accordingly, the petitioner, above named, is directed to be released on anticipatory bail in the event of his arrest/surrender before the court below within a period of four weeks from today, on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned SDJM, Patna in connection with Economic Offence P.S. Case No. 10 of 2019 subject to the conditions as stipulated under Section 438(2) of the Code of Criminal Procedure.

It is further directed that the petitioner would mark his attendance before the concerned Investigating Officer, Economic Offence Unit, on every Monday of the week and in the event of his failure to do so on two consecutive occasion, the present privilege of bail shall stand cancelled automatically and the petitioner shall be taken into custody forthwith.

(Mohit Kumar Shah, J)

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