

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.84923 of 2019

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

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AMIT KUMAR Son of Ashok Yadav Resident of Tengraha, P.S.- Kumar
Khand, District – Madhepura. Petitioner

Versus

1. THE STATE OF BIHAR
2. Economic Offences Unit, Bihar, Patna.

... .. Opposite Parties

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Appearance :

For the Petitioner/s :	Mr.Pranav Kumar, Advocate
For the Opposite Party/s :	Mr. Fahimuddin, APP
for O. P. No. 2 :	Mr. V.N.P. Sinha, Sr. Advocate
	Mrs. Soni Srivastava, Advocate

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 09-01-2020 Heard Mr. Pranav Kumar, learned counsel for the

petitioner and Sri V.N.P. Sinha, learned Sr. Counsel assisted by

Mrs. Soni Srivastava, learned Advocate on record for the

Opposite party no. 2 as also learned APP for the State.

The petitioner in this case is seeking regular bail in
connection with Economic Offence P.S. Case No. 10 of 2019
registered for the offences punishable under Sections 420, 467,
120(B) of the Indian Penal Code and Sections 65, 66(C), 66(D)
of I.T. Act.

Learned counsel for the petitioner submits that as per
the prosecution story, on a secret information to the opposite
part no. 2 that in Hari Niwas Complex the three mobile
repairing shops are involved in changing the IEMI of the



mobile, opposite party no. 2 raided shops no. 238, 204 and 222. It is alleged in the FIR that in course of raid in shop no. 238 it was informed that one Vibash Chandra Goit was the owner of the shop and Mukesh Jha, Amit Kumar (the petitioner) and Ram Pujan Sharma were three employees in the shop. The co-accused Mukesh Jha himself claimed that he had been converting the IMEI of the mobile phone. It is alleged that said Mukesh Jha also disclosed that last 4-5 years he had been doing this act and earlier he was working in shop no. 204 and for one and half years he was working in shop no. 238. On the basis of the statement of said Mukesh Jha all the three employees were involved in changing IEMI of the mobile phone, the present petitioner has also been made accused.

Learned counsel for the petitioner submits that from a bare perusal of the FIR itself it appears that it is the shop owner Vibash Chandra Goit and the co-accused Mukesh Jha who have been allegedly found to be involved in using the shop premises for conversion of IEMI and it was the co-accused Mukesh Jha who was doing it and this fact is mentioned at the top of the FIR itself.

Learned counsel submits that so far as this petitioner is concerned, he is a petty employee of the shop having no



knowledge of software and there is no specific allegation that he was found changing the IEMI of the mobile phone. It is further submitted that co-accused Md. Samimuddin Alam who was the owner of shop no. 204 has been granted regular bail by a learned co-ordinate Bench of this Court in Cr. Misc. No. 84781 of 2019 on 07.01.2020.

Learned Senior Counsel representing the opposite party no. 2 has opposed the prayer for regular bail of the petitioner as according to him, this petitioner was found present in the shop and said Mukesh Jha the co-accused has stated that he along with other co-accused were doing this act of conversion.

Considering the facts and circumstances of the case and the submission of learned counsel for the petitioner that in the FIR itself it has been mentioned that it was co-accused Mukesh Jha who had changed and converted IEMI of the mobile phone and so far as this petitioner is concerned, though he was an employee of the shop, but there is no specific allegation that he had converted or changed IEMI of any of the mobile phones and further submission that the petitioner does not have any knowledge of software and his name has transpired only on mere say of co-accused Mukesh Jha as also that one of



the co-accused being owner of shop no. 204 has been granted privilege of regular bail by a learned co-ordinate Bench of this Court, let the petitioner be released on bail in connection with Economic Offence P.S. Case No. 10 of 2019 on furnishing of bail bonds of Rs. 15,000/- (fifteen thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Patna, subject to the condition as laid down under Section 437 (3) Cr.P.C. as under:

(a) that such person shall attend in accordance with the conditions of the bond executed under this Chapter,

(b) that such person shall not commit an offence similar to the offence of which he is accused, or suspected, of the commission of which he is suspected, and

(c) that such person shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any Police officer or tamper with the evidence.

(Rajeev Ranjan Prasad, J)

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