

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.85859 of 2019

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

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RAM PUJAN SHARMA @ RAMPUJAN SHARMA Son of Yogeshwar
Sharma Resident of Shilanath, P.S.- Jai Nagar, District - Madhubani.

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR Bihar
2. The Economic offence Unit Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Usha Kumari Singh
For the Opposite Party/s : Mr.Awadhesh Kumar Singh

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CORAM: HONOURABLE MR. JUSTICE S. KUMAR
ORAL ORDER

2 16-01-2020 Heard learned counsel for the parties.

Petitioner who is in custody seeks bail in a case registered for the offence punishable under Sections 420, 467, 120B of the Indian Penal Code and Sections 65, 66(C), 66(D) of I.T. Act.

Informant who is police officer in his written report has alleged that he received secret information that in Hari Niwas Complex three mobile repairing shops are involved in changing the IMEI of the mobile phones and thereafter he raided shop nos. 238, 204 and 222 and in course of search in shop no. 238 it was informed that one Vibash Chandra Goit was the owner of the shop and Mukesh Jha, Amit Kumar and Ram Pujan Sharma (the petitioner) 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 for 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 that all the three employees were involved in changing IMEI of the mobile phone, the present petitioner has also been made accused. s

It has been submitted on behalf of the petitioner that petitioner is an employee of the shop having no knowledge of software and there is no specific allegation that he was found changing the IMEI of the mobile phones. Similarly, situated co-accused persons have been granted bail by co-ordinate benches of this Court vide orders dated 07.01.2020 in Criminal Miscellaneous No. 84781 of 2019 and 09.01.2020 in Criminal Miscellaneous No. 84923 of 2019. Petitioner has got no criminal antecedent and is in custody since 23.10.2019.

Learned senior counsel appearing on behalf of Informant submits that this petitioner was found present in the shop and said co-accused Mukesh Jha has stated that he along with other co-accused were doing this act of conversion of IMEI numbers of mobile phones.



Considering the aforesaid facts and circumstances of the case, let the petitioner named above be released on bail upon furnishing bail bond of Rs. 20,000/- with two sureties of the like amount each to the satisfaction of learned court below where the case is pending, in connection with **Economic Offence P.S. Case No. 10 of 2019**, with following conditions:-

(1) Bailors should be local having sufficient immovable property within the jurisdiction of the court concerned.

(2) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the Court and his/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be cancelled by the court below.

(3) If the petitioner tampers with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioner.

(S. Kumar, J)

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