

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.7789 of 2021

Arising Out of PS. Case No.-20 Year-2020 Thana- CHAPRA TOWN District- Saran

Vijay Kumar, aged about 30 years, Male, Son of Raj Bihari Ojha, Resident of Village - Uma Nagar, P.S. - Chapra Muffasil, District - Saran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Yogesh Chandra Verma, Senior Advocate with Mr. Dhananjay Kumar Tiwary, Advocate
For the State	:	Mr. Atul Chandra, APP

CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT

Date : 28-07-2021

The matter has been heard *via* video conferencing.

2. Heard Mr. Yogesh Chandra Verma, learned senior counsel along with Mr. Dhananjay Kumar Tiwary, learned counsel for the petitioner and Mr. Atul Chandra, learned Additional Public Prosecutor (hereinafter referred to as the ‘APP’) for the State.

3. The petitioner is in custody in connection with Chapra Town PS Case No. 20 of 2020 dated 08.01.2020, instituted under Sections 420/467/468/120-B/34 of the Indian Penal Code.

4. This is the second attempt for bail by the petitioner as earlier such prayer was rejected by order dated 09.06.2020 passed in Cr. Misc. No. 8357 of 2020.



5. The allegation against the petitioner is that he had a role in activating the SIM cards on the basis of forged documents and from which extortion calls were made to various persons.

6. Learned counsel for the petitioner submitted that the implication of the petitioner is only on the statement made by co-accused Manish Jaiswal, who had made the calls from his mobile set, that the SIM was activated with the help of the petitioner. Learned counsel submitted that on the papers relating to issuance of SIM in the present case, the photograph shown is that of the petitioner, though the name is of someone else. Thus, learned counsel submitted that if the petitioner had knowledge and was party to commission of crime using that SIM card, he would not have put his photograph on the papers so as to be identified and connected to such crime. It was submitted that this shows that even the petitioner has been duped as his photograph finds place on the papers on which the name of some other person is there to whom SIM card is issued but the photograph shown is that of the petitioner. It was submitted that the police have also chargeheeted the petitioner and, thus, the investigation having been complete, trial will go on in which the petitioner shall cooperate and no useful purpose shall be served



by keeping him behind bars. It was submitted that the petitioner is in custody since 09.01.2020 having no other criminal antecedent. It was further submitted that co-accused Manish Jaiswal, in his confessional statement, has stated that it was the petitioner who had helped in activating the SIM card from which the extortion call was made but there is no allegation that the petitioner was party to the extortion call or was part of the gang who had made such call and at best he was only party in activating a SIM card based on forged documents.

7. Learned APP submitted that there has been no change in the circumstances since the order dated 09.06.2020 rejecting the prayer for bail, except for passage of time.

8. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, let the petitioner be released on bail upon furnishing bail bonds of Rs. 25,000/- (twenty five thousands) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Chapra at Saran in Chapra Town PS Case No. 20 of 2020 subject to the conditions (i) that one of the bailors shall be a close relative of the petitioner, (ii) that the petitioner and the bailors shall execute bond with regard to good behaviour of the petitioner, and (iii) that the petitioner shall also



give an undertaking to the Court that he shall not indulge in any illegal/criminal activity, act in violation of any law/statutory provisions, tamper with the evidence or influence the witnesses. Any violation of the terms and conditions of the bonds or the undertaking shall lead to cancellation of his bail bonds. The petitioner shall cooperate in the case and be present before the Court on each and every date. Failure to cooperate or being absent on two consecutive dates, without sufficient cause, shall also lead to cancellation of his bail bonds.

9. It shall also be open for the prosecution to bring any violation of the foregoing conditions of bail by the petitioner, to the notice of the Court concerned, which shall take immediate action on the same after giving opportunity of hearing to the petitioner.

10. The petition stands disposed off in the aforementioned terms.

(Ahsanuddin Amanullah, J)

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