

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32530 of 2021

Arising Out of PS. Case No.-30 Year-2021 Thana- KHAIRA District- Jamui

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KUNDAN KUMAR SON OF JAGDISH @ JAGDISH @ JAGDISH SHAH
RESIDENT OF VILLAGE- MIRJAGANJ, P.S.- SIKANDRA, DISTRICT-
JAMUI

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Satya Prakash Parasar, Advocate.

For the Opposite Party/s : Mr. Kumar Ranjit Ranjan, APP.

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CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

5 04-02-2022 Heard the parties through video conferencing.

Heard learned counsel appearing on behalf of the
petitioner and learned A.P.P. for the State.

Let the defect(s), if any, be removed within two
weeks of the complete start of the physical Court in normal
course.

The petitioner, who is in custody since 31.01.2021,
seeks regular bail in connection with Khaira P.S. Case No. 30 of
2021 for the offence punishable under Sections 417, 419, 420,
468, 469 and 470/34 of the Indian Penal Code.

The prosecution case, in brief, is that during
investigation of one Khaira P.S. Case No. 532 of 2020 dated
23.12.2020 and Khaira P.S. Case No. 539 of 2020 dated
27.12.2020, which were lodged for allegation of demand of Rs.1



crore as ransom by mobile no. 8797247183 on mobile no. 9006470761 and Rs. 50 lacs by mobile no. 8797247185 on mobile no. 7903312474 on 25.12.2020. On the basis of CDR and CAF, it was found that the said mobile number was issued by one Kundan Digital Cell Code No. 9801413331 and in course of investigation of above mentioned cases, it transpired that electronic SIMs were obtained by committing forgery by one Kundan Kumar (petitioner) by using Aadhar Card and photograph of other persons.

Learned counsel appearing on behalf of the petitioner submits that no offence has been committed by the petitioner. Petitioner is innocent and he has not deceived anyone. He has not created, destroyed or converted any valuable document, as such no case of cheating and fraud can be made out against the petitioner from the materials available on record. Petitioner has clean antecedent and he is in custody since 31.01.2021.

Learned A.P.P. for the State has opposed the prayer for grant of bail to the petitioner and submits that the petitioner is named accused in this case and allegation against him is that he was found involved in issuance of SIM on forged and fabricated documents in favour of the accused persons who had used the SIM to make calls for extortion and the seizure list shows that



the alternate mobile number 9801413331 was recovered from the possession of the petitioner. He further submits that the involvement of the petitioner is also supported by the materials surfaced in course of investigation which is evident from Paragraph Nos. 16 and 17 of the case diary as recorded in the impugned order. Hence the petitioner does not deserve to be released on bail.

Considering the aforementioned facts and circumstances of the case, period of custody undergone by the petitioner as under trial prisoner, clean antecedent of the petitioner, petitioner is having valid license of the Airtel Telecom company to sell SIM cards on behalf of the said company, the petitioner has not gained anything wrongfully in any manner and there is specific case of extortion against other accused persons, the petitioner, above named, is directed to be enlarged on bail on furnishing bail bond of Rs.25,000/- (Rupees twenty five thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Jamui in connection with Khaira P.S. Case No. 30 of 2021, subject to the 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.

(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.

(4) If the petitioner is found involved in similar nature of offence, after his release on bail, the trial Court shall take steps to cancel his bail bonds.

(5) The court below is directed to verify the criminal antecedent of the petitioner and if the petitioner is found accused in any other case as what has been made in Para-3 of the bail application, the bail bonds of the petitioner shall be cancelled.

(Purnendu Singh, J)

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