

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.47808 of 2017

Arising Out of PS.Case No. -203 Year- 2016 Thana -SIRDALA District- NAWADA

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1. Prakash Sao, Son of Sita Ram Sao, Resident of Village- Hero, Tola Beladariya, P.S.- Meskaur, District- Nawada.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Pankaj Kumar

For the Opposite Party/s : Mr. Sri Satyendra Prasad

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

3 16-10-2017

Heard learned counsel for the petitioner and the State.

The petitioner apprehends arrest Sirdala (Meskaur) P.S. Case No. 203 of 2016 instituted for the offence under Sections-419, 420, 467 of the Indian Penal Code.

It is alleged in the written report that a letter was issued by the Superintendent of Police, Nawada from the office of Special Task Force and D.G. Special Cell Bihar Patna and it was ordered to take action against those who used Mobile phone illegally after getting the Sim issued on the basis of forged document. In the letter, name of one mobile used with mobile No. is mentioned. There is allegation of using mobile illegally after getting Sim card illegally.

There is no detail given in the written report about the forgery which has been committed by the petitioner. It has also been submitted that service provider is Airltel who after verification of documents, issued Sim card. No illegal act was done by the petitioner. If the allegation is assumed to



be true, for such, Airtel Service Provider is responsible and not the petitioner. Sim has been issued by Airtel Service Provider and so action should have been taken against Service Provider.

In such circumstances, prayer for anticipatory bail is allowed and it is ordered that the petitioner named above in the event of his arrest or surrender in the court below within six weeks from the date of receipt/production of copy of this order, shall be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each in connection with in Sirdala (Meskaur) P.S. Case No. 203 of 2016 to the satisfaction of learned Additional Chief Judicial Magistrate-V, Nawada subject to condition as laid down u/S 438(2) of the Cr.P.C. with further conditions (1) bailors should be local having sufficient immovable property within the jurisdiction of the court concerned, (2) petitioner shall cooperate in the trial and shall be present on each and every date fixed by the court and absence on two consecutive dates without proper and reasonable reason, will automatically cancel bail bond of the petitioner and (3) if 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.

(Sanjay Priya, J)

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