

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.29825 of 2017

Arising Out of PS.Case No. -123 Year- 2016 Thana -PUSA District- SAMASTIPUR

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Chandan Kumar Choudhary @ Chandan Kumar, Son of Sitaram Choudhary, resident of village- Madapur, Chhapra, Pusa Bazar, P.S.- Pusa, District- Samastipur.

.... Petitioner.

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ranjan Kumar

For the Opposite Party/s : Mr. Sri Damodar Prasad Tiwary

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

2 07-07-2017 Heard learned counsel for the petitioner and learned Addl. Public Prosecutor for the State.

The petitioner apprehends his arrest in Pusa P.S. Case No. 123 of 2016 instituted for the offence under Sections-467, 468, 120(B) of the Indian Penal Code.

It has been submitted on behalf of the petitioner that Ratnesh Kumar was using Sim issued in the name of Pramod Kumar for the last three years. There is allegation against the petitioner that he issued Sim in the name of wrong person.

It has been submitted that he has issued the Sim on payment of Rs 5/- and ID proof and photograph, duly signed by purchaser in December, 2013 and activated on 24-12-2013 which can be confirmed from vodaphone company. Counsel for the petitioner has submitted that Ratnesh Kumar was using the sim of Pramod Kumar for the last three



years. The petitioner has not committed any forgery in issuing the sim which was used by Ratnesh in his mobile.

In such circumstances, prayer for anticipatory bail is allowed and it is ordered that the petitioner, named above in the event of his arrest/surrender in the court below within six weeks from today shall be released on bail on furnishing bail bonds of Rs. 10,000/- with two sureties of the like amount each in connection with Pusa P.S. Case No. 123 of 2016 to the satisfaction of Sri Sankash Chandra, learned Additional Chief Judicial Magistrate-III, Samastipur subject to conditions 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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