

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.74132 of 2018

Arising Out of PS. Case No.-48 Year-2017 Thana- SHEOHAR District- Sheohar

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Shambhu Shankar Tiwary @ Rambhu Shankar Tiwary S/o Rameshwar Tiwary, resident of Village- Dhanauji, P.S. Pakridayal, District- East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Sangeet Deokuliar

For the Opposite Party/s : Mr.Sri Nand Kishore Pd

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL ORDER

2 20-12-2018 Heard learned counsel for the petitioner and the

counsel appearing on behalf of the State.

The petitioner is apprehending his arrest in connection with Sheohar P.S. Case No. 48 of 2017 for the offence under Sections 379, 353, 414,188/34 of the Indian Penal Code and Section 52 of Prison Act.

Learned counsel appearing on behalf of the petitioner would submit that petitioner has no criminal antecedent. He further submits on 02.04.2017 police has seized three mobile phones. One of the SIM was purportedly issued on the documents belonging to the petitioner. Learned counsel for the petitioner would submit that SIM was issued on 07.06.2016 whereas the petitioner has lodged information with the police



station with Station Diary Entry No. 133 of 2016 on 08.01.2016 that the petitioner has lost certain documents viz Bank Passbook, Certificates of Class 7 and 8, Residential Certificate, 5 Photographs and Photocopy of his voter ID Card, PAN Card and Aadhar Card. Learned counsel for the petitioner further submits that it is probable that with the help of those lost documents somebody got issued the SIM and the same SIM was found in use by the people inside the jail premises. Learned counsel for the petitioner submits that the totality of the facts situation would indicate that petitioner has fallen victim of the circumstances i.e. lost of the documents which is mentioned hereinabove which was unauthorizedly used by the person in obtaining the SIM Card which was issued in the name of petitioner and it is used in the jail premises.

Considering the aforesaid submission, the Court is inclined to grant privilege of anticipatory bail to the petitioner, let the petitioner above named, in the event of arrest or surrender within one month from today, be released on bail on furnishing bail bond of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the Court of learned C.J.M. Sheohar, in connection with Sheohar P.S. Case No. 48 of 2017, subject to the conditions as laid down under



Section 438 Cr.P.C. As also condition that the Court below will satisfy itself about the issuance of duplicate of these documents at the time of release of the petitioner. In the event duplicate of the Bank passbook, Certificates of Class 7 and 8, Residential Certificate, 5 Photographs and Photocopy of his voter ID Card, PAN Card and Aadhar Card has not been obtained by the petitioner, the Court below will not release the petitioner.

(Anil Kumar Upadhyay, J)

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