

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.27363 of 2018

Arising Out of PS. Case No.-64 Year-2017 Thana- TISIAUTA District- Vaishali

Chunchun Singh @ Pramod Kumar, S/o- Late Murari Singh @ Krishna Murari Singh, R/o-Vill.- Supaul Patori, P.S.- Patrori, District- Vaishali at Hajipur.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Anuj Kumar

For the Opposite Party/s : Mr. Dashrath Mehta

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 08-05-2018

Heard learned counsels for the petitioner and State.

The petitioner is apprehending arrest in a case registered for the offences punishable under Sections 420/34 of the IPC and Section 66 of the Information Technology Act.

The prosecution case, as per the fardbeyan of Sanjeev Kumar Chaudhary, recorded by S.I., Halai O.P. on 09.12.2017 is to the effect that the informant on 09.07.2017, at 3.00 P.M., went to Damayi Chawk at M/s Rosan Digital Studio for getting mobile SIM card. On the shop, the petitioner Chunchun Singh was sitting, from whom, the informant asked for AIRTEL SIM, who took the Adhar Card and LTI of the informant on certain document but he said that since the server is down, hence he cannot give the SIM card at present. Thereafter, the informant took the SIM card from some other shop. Subsequently, when



the police officer from Halai O.P. came to enquire then the informant came to know that a SIM card in his name has been issued on 09.07.2017 to some criminal by M/s Rosan Digital Studio.

It is submitted by learned counsel for the petitioner that Rosan Digital Studio belongs to Dhirendra Singh and the petitioner is having own digital studio. The specific case of the informant is that SIM card was issued by Rosan Digital Studio, hence, thrust of accusation is against the owner of the said shop. It appears that the SIM card issued in the name of the informant has been used in some crime and hence, in order to save his own skin, the informant has lodged the present case with malicious accusation. A statement has been made in paragraph no.3 of the petition that the petitioner is not having any criminal antecedent.

Learned APP submits that the petitioner is named in the FIR with specific accusation.

Since the informant has alleged that he handed over the Adhar card and gave his LTI on 09.07.2017, whereas the fardbeyan was recorded on 09.12.2017 on the basis of which the FIR was registered on 12.12.2017, moreover, as per the own admission of the informant, present case has been registered after police came and enquired about misuse of SIM card, coupled with



statement made in paragraph no.3 of the petition that the petitioner is not having any criminal antecedent, let the above named petitioner be released on anticipatory bail in the event of arrest/surrender before the learned Court below within a period of twelve weeks from today, on furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of like amount each to the satisfaction of learned CJM, Vaishali at Hajipur in connection with Tisiauta P.S. Case No. 64 of 2017, subject to the condition as laid down under Section 438(2) of the Cr. P.C.

(Dinesh Kumar Singh, J)

Amrendra/-

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