

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29784 of 2021

Arising Out of PS. Case No.-92 Year-2016 Thana- CHIRAIYA District- East Champaran

=====

Samiullah @ Mohammad Samiullah Sidhiqui, aged about 31 years, M, S/O Mahamad Irshad, R/O Village- Jiwdhara Ward No. 18, PS- Chiraya, District East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Ms. Ranjana Srivastava, Advocate
For the State : Mr. Vinod Shanker Modi, APP

=====

CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT

Date : 05-08-2021

The matter has been heard *via* video conferencing.

2. Heard Ms. Ranjana Srivastava, learned counsel for the petitioner and Mr. Vinod Shanker Modi, learned Additional Public Prosecutor (hereinafter referred to as the 'APP') for the State.

3. The petitioner apprehends arrest in connection with Chiraya PS Case No. 92 of 2016 dated 24.05.2016, instituted under Section 387 of the Indian Penal Code.

4. The allegation against the petitioner is that he sold the SIM card from which the informant was called, who was the Circle Officer, Chiraya, demanding rupees ten lakhs failing which threat was issued to eliminate him.

5. Learned counsel for the petitioner submitted that



the mobile from which call was made did not belong to him and he has no role in the occurrence, and he is the owner of New Rahmat Electronics, Jiwdhara, and had only sold the concerned SIM card to co-accused Sabir Siddiqui. It was submitted that the petitioner has no other criminal antecedent.

6. Learned APP submitted that as has been noted in the order of the Court below, the petitioner had sold the concerned SIM card to the co-accused on forged and fabricated documents, which is patently illegal and thus, he cannot plead innocence as anyone who obtains the SIM card on forged documents would utilize it for the purpose which may not be in conformity with law, otherwise, there is no occasion for a genuine person not to give his correct identity paper for obtaining the SIM card. Further, it was submitted that the co-accused have been granted regular bail by the Court below and the petitioner may also appear and take bail.

7. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, the Court is not inclined to grant pre-arrest bail to the petitioner.

8. Accordingly, the petition stands dismissed.

9. However, in view of submission of learned counsel for the petitioner, it is observed that if the petitioner appears



before the Court below and prays for bail, the same shall be considered on its own merits, in accordance with law, without being prejudiced by the present order.

(Ahsanuddin Amanullah, J)

J. Alam/-

AFR/NAFR	
U	
T	

