

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40986 of 2020

Arising Out of PS. Case No.-102 Year-2019 Thana- MAHUA District- Vaishali

SUNIL KUMAR PASWAN @ SUNIL KUMAR, Son of Talam Paswan
Resident of Village - Chehrakala, P.S.- Goraul, (O.P.- Kathara), District -
Vaishali at Hajipur.

... .. Petitioner

Versus

The State of Bihar.

... .. Opposite Party

Appearance :

For the Petitioner : Mr. Shakil Ahmad Khan, Advocate
For the Opposite Party : Mr. Sanjay Kumar, APP

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

10 20-01-2022 Heard learned counsel for the parties through video
conferencing.

The petitioner seeks anticipatory bail in connection
with Mahua P.S. Case No. 102 of 2019 for the offences under
Sections 395 and 412 of the Indian Penal Code.

On earlier hearing, it was submitted by learned
counsel for the petitioner that on the date of occurrence he was
in Bangalore and he was not in Bihar particularly in Vaishali
district where the occurrence has taken place.

This is a case under Section 395 and 412 of the
Indian Penal Code and believing the argument of learned
counsel for the petitioner, the Telecom Company was directed to
trace the mobile phone location of the petitioner. The Telecom
Company has cooperated in the matter and it has been submitted



by Mr. Rajesh Ranjan, learned counsel for the Telecom Company that on 19.02.2019 and 20.02.2019 the mobile location of the petitioner is in Bihar particularly in Vaishali district.

From the aforesaid statement of the Telecom Company the submission of learned counsel for the petitioner is falsified. This kind of submission by learned counsel for the petitioner, relying upon the instructions given by the petitioner, is not acceptable. Hence, a cost of Rs.25,000/- is imposed upon the petitioner for misleading the Court.

Heard the parties on the merit of the case.

There is enough evidence of involvement of the petitioner in the present case and therefore, the prayer for anticipatory bail of the petitioner is rejected. Accordingly, this anticipatory bail application is dismissed.

The petitioner is directed to surrender in the Court below within a period of one week from today. If the petitioner does not surrender in the Court below within the aforesaid period of one week, the Superintendent of Police, Vaishali shall take all steps for arresting the petitioner in connection with the present case.

After the surrender/arrest, the regular bail of the



petitioner shall be considered by the Court below only after the petitioner deposits the cost of Rs.25,000/- in the Court below, which shall be deposited in the Victim Compensation Fund.

With the aforesaid observations and directions, this bail application is dismissed.

Office is directed to communicate this order to the Superintendent of Police, Vaishali through FAX or e-mail.

Mr. Sanjay Kumar, learned APP for the State and Mr. Rajesh Ranjan, learned counsel for the Telocom Company, are also directed to communicate this order to the Superintendent of Police, Vaishali through phone or Whatsapp.

(Sandeep Kumar, J)

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