

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30628 of 2023

Arising Out of PS. Case No.-1092 Year-2022 Thana- BIHTA District- Patna

=====

Kameshwar Kumar Verma @ Kameshwar Verma, Son of Bachhu Prasad @
Badru Prasad, Resident Of Village- Deokuli, PS- Bihta, Distt- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Yogesh Chandra Verma, Sr. Advocate
Mr. Ghanshyam Tiwary, Advocate
For the Opposite Party/s : Mr. Nawal Kishore Prasad, APP

=====

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

- 3 31-07-2023 1. Heard learned Senior counsel for the petitioner and
learned A.P.P. for the State.
2. The petitioner apprehends his arrest in a case
registered for the offences punishable under Sections 25(1-b)a
and 26 of the Arms Act.
3. Learned Senior counsel for the petitioner submits
that the petitioner is a person with clean antecedent and the
informant alleges that on information house of petitioner was
raided and a double barrel gun along with a single barrel pistol
and four life cartridges were recovered and one person fled
seeing the police.
4. Learned Senior counsel for the petitioner submits
that the petitioner petitioner has been falsely implicated in the



present case, it is next submitted that the present false FIR came to be instituted at the instance of Anish in connivance with the SHO of Bihta PS. It is further submitted that mobile number 9262995116 of the petitioner was cloned/hacked by Anish and thereafter his WhatsApp account was being used for demanding extortion of Rs. 20,00,000/- from Amit Ranjan, a businessman of Rajendra Nagar, it is further submitted that this extortion news was published in *Prabhat Khabar* newspaper also, thereafter several obscene messages to female of Deokuli village were send from his WhatsApp account, which was hacked. It is next submitted that the petitioner thereafter inquired into the matter and came to know that his mobile number has been cloned by Anish Kumar and was being used for wrongful purposes, accordingly he wrote a complaint in this regard to the S.S.P. Patna on 15.06.2022 and 15.07.2022 by a registered post (Annexure-5 series to the supplementary affidavit) and when no action was taken, the petitioner filed a complaint case *vide* Complaint Case No.1081C of 2022 dated 25.08.2022 against Anish Kumar. Learned Senior counsel next submitted that the alleged act of Anish of hacking and cloning the mobile number of the petitioner was published in *Prabhat Khabar* newspaper on 19.06.2022, it is further submitted that



when petitioner started pursuing his case against Anish, the present false case came to be instituted, it is also submitted that had the S.S.P., Patna got his complaint investigated, when his Office had received the registered post of his complaint, then perhaps the present FIR would not have been instituted.

5. Learned Senior counsel for the petitioner further submits that from perusal of the seizure list it would manifest that the same does not carry signature of any of the family members of the petitioner, thus it is submitted that had the police raided the house of the petitioner, as alleged in the FIR, in that event the seizure list, which was prepared, ought to have been signed by any of the family members of the petitioner and on their refusal by any neighbour or any independent person and if everyone had refused, then the police who accompanied might have signed, as they have signed, this casts an aspersion on the case of the prosecution and the seizure list also. The learned senior counsel next submits that the then S.H.O., Bihta perhaps in connivance with Anish got the present false case instituted. It is further submitted that petitioner is aged about 45 years and is a person with clean antecedent and in the event, if he is sent to jail, based on the allegation as alleged in the FIR in the background of the facts recorded herein above, that would



amount to travesty of justice, but then the learned Senior counsel submits that petitioner is not running away from investigation but prays that the investigation must be fair.

6. Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioner but is not in a position to rebut the submission of the learned Senior counsel for the petitioner that the seizure list does not contain the signature of any of the family members/neighbour/independent witness of the locality.

7. Learned Senior counsel for the petitioner, at this stage, submits that the entire family members of the petitioner resides in the house and even presuming what has been alleged is true, without admitting that the petitioner fled, what prevented the police force from getting the signature of any of the family members of the petitioner on the seizure list when it is not the case of the prosecution that they refused. The learned Senior counsel further submits that the petitioner will not abscond rather will cooperate in the investigation and will present himself as and when required by the Investigating Officer of the case for eliciting the truth and proving his innocence.

8. Considering the submissions made by the learned counsel for the petitioner, the petitioner above-named, in the event of his arrest or surrender before the learned Court below



within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/successor court in connection with Bihta P.S. Case No. 1092 of 2022 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

9. However, it is made clear that in the event if the Investigating Officer of the case files an application before the learned trial court that the petitioner despite giving assurance to this Court is not cooperating in the investigation or is not presenting himself as and when required, the learned trial court shall be at liberty to cancel the bail bonds of the petitioner after recording reasons.

10. Let a copy of this order be sent to the S.S.P., Patna, S.P. (Rural) Patna and the concerned Police Station.

(Satyavrat Verma, J)

Rishi/-

U		T	
---	--	---	--

