

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28286 of 2024

Arising Out of PS. Case No.-153 Year-2020 Thana- KUDRA District- Kaimur (Bhabua)

Dhirendra Singh S/o Brij Narayan Yadav R/o Village- Karwar, P.S.-
Karagahar, District- Rohtas (Sasaram).

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Saroj Kumar, Advocate
For the State : Mr. Ajit Kumar, APP

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 15-05-2024 Heard Mr. Saroj Kumar, learned counsel appearing
on behalf of the petitioner and Mr. Ajit Kumar, learned APP
appearing on behalf of the State.

2. The petitioner apprehends his arrest in connection
with Kudara P.S. Case No. 153 of 2020 registered under
Sections 457 and 380 of the Indian Penal Code.

3. As per the allegation made in the FIR, battery of
tractor and two mobile phones along with some cash were stolen
by some unknown persons.

4. Learned counsel appearing on behalf of the
petitioner submits that FIR is against some unknown persons
and the petitioner has been dragged in the present case on the
basis of SIM card used in one of the stolen mobile phones and
the CDR is silent on this regard. Learned counsel submits that



the SIM card was issued in the name of the petitioner and after using it for sometime, he discontinued to hold the said SIM card. The stolen mobile phones along with the said SIM card, were recovered from the possession of the co-accused and not from the house of the petitioner. On these grounds, the petitioner seeks to be released on bail.

5. Learned APP for the State vehemently opposed the prayer for grant of pre-arrest bail and informed that the petitioner has criminal antecedent and doesn't deserve to be released on bail.

6. Considering the rival submissions made on behalf of the parties, as well as, the fact that information has been given on behalf of the petitioner by the learned counsel that the SIM card was issued in the name of the petitioner and now the same SIM is not registered in the name of the petitioner. **The District Court is directed to verify the said information, from the Telecom Company and if it is found that the SIM card, which was seized in course of the investigation, was not in the name of the petitioner, then in that case the petitioner is directed to be released on anticipatory bail, in the event of his/her arrest or surrender before the learned District Court, to the satisfaction of learned District and Sessions Judge, Kaimur**



(Bhabua) in connection with Kudara P.S. Case No. 153 of 2020,
subject to the condition as laid down under Section 438(2) of
the Cr.P.C.

7. Accordingly, the present bail application stands
disposed of.

Ashishsingh/-

(Purnendu Singh, J.)

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