

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.3735 of 2025

Arising Out of PS. Case No.-13 Year-2024 Thana- AKBARPUR District- Nawada

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Amar Jyoti Son of Shri Sharwan Kumar @ Sharwan Raut Resident of
Village- Panchgaon, P.S.- Nemdarganj, Distt.- Nawada-805121

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Satyabir Bharti, Sr. Adv.
		Mr. Kanupriya Singh, Adv.
For the Opposite Party/s :		Mr. Murli Dhar, APP

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CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER

3 22-03-2025 Heard learned senior counsel for the petitioner and
learned A.P.P. for the State.

2. The petitioner seeks bail in connection with Akbarpur P. S. Case No. 13 of 2024, dated 13-01-2024 instituted for the offence punishable under Sections 420, 465 and 468 of the Indian Penal Code.

3. The prosecution case, in short, is that on 22-09-2023 informant approached SIM card seller Rohit Kumar to port his Airtel SIM to Jio. During the process, informant provided his Aadhaar card, fingerprints, and photograph. Although his SIM was ported to Jio, on 11-01-2024 he was informed that two SIMs were active in his name. The informant further alleged that co-accused, Rohit Kumar fraudulently used



his fingerprint a second time to activate an extra Airtel SIM and sold it.

4. Learned senior counsel for the petitioner submits that the petitioner is innocent and he has been falsely implicated in this case. It is further submitted that petitioner is not named in the FIR and has been made accused only on the basis of disclosures made by co-accused Rohit Kumar. It is further submitted that Rohit Kumar generated two SIM cards, one provided to the informant and the other, a forged SIM, purportedly given to the petitioner, as alleged in the FIR. It is further submitted that the police have falsely implicated the petitioner in the present case. In support of his contentions, it is submitted that the petitioner earlier filed a complaint against the S.H.O. on 16-03-2023 under Section 62 of the Bihar Police Act, 2007, before the Superintendent of Police, Nawada, with copies sent to senior officials. Thereafter, the petitioner was served with a notice by the Sub-Divisional Police Officer, Rajauli, as reflected from the Memo No. 2235, dated 06-06-2023, directing him to appear before the officer. It is submitted that, in retaliation, the SHO of Nemdarganj Police Station, in collusion with Akbarpur Police Station, falsely implicated the petitioner in 13-14 cases within a span of ten days. It is also submitted



that the petitioner never utilized the alleged SIM No. 9835923194 and the accusation that he procured SIM cards from Rohit Kumar is entirely baseless. There is no allegation or evidence to suggest that the petitioner misused the SIM card or that any individual was cheated by its use. Lastly, it is submitted that total 22 criminals cases are pending against the petitioner, who has been in custody since 12-06-2024, and that the charge sheet in this case has already been submitted.

5. Learned A.P.P. has opposed the prayer for bail.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, let the petitioner be released on bail upon furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned CJM, Nawada, in connection with Akbarpur P.S. Case No. 13 of 2024 subject to the following conditions:- (i) that the petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the court below, (ii) that one of the bailors will be his own blood relation, preferably father, mother, brother, sister and or his wife, (iii) that the bailor shall also state on affidavit that he



will inform the court concerned if the petitioner is made accused in any other case of similar nature after his release in the present case and thereafter the court below will be at liberty to initiate the proceeding for cancellation of bail on ground of misuse (iv) that if the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail and (v) that the petitioner will appear before the S.H.O. of concerned PS every fortnightly to mark his attendance till conclusion of the trial.

7. The application stands allowed.

(Khatim Reza, J)

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