

In the Court of Sessions Judge, Siwan
Anticipatory bail petition no. 2698/2022

18.01.2023

This anticipatory bail petition has been filed on behalf of the accused-petitioner namely Kaloja Nisha @ Kanija Khatoon, apprehending her arrest in connection with Mairwa P.S Case No. 192/2022 registered u/s 420, 467, 468, 471, 120(B) of I.P.C against the petitioner along with others.

Heard both sides.

As per written petition of the informant, the prosecution case, in brief, is that the informant Sanjiva Kumar posted as S.H.O in Mairwa P.S. He has received a letter reference 916/STF (SIG) Patna dated 12.05.2022. It is alleged that the petitioner received a mobile sim based on forged documents and forged identity card.

Learned lawyer for the petitioners submitted that petitioner is innocent and has committed no offence, rather she has falsely been implicated in this case. He has further submitted that there is no mobile number has been given by the informant and there is no description and forged documents and the petitioner was taken Air tell Sim No. 9934258419 on the basis of identity card, which was issued lby Election Comission of India and the prosecution story is highly improbable, absurd and false and there is no chance of her absconding and tampering with the evidence, hence she prayed for anticipatory bail.

On the other hand, learned P.P opposed the prayer for anticipatory bail.

Considering the submissions as advanced on behalf of both sides and from perusal of the record, it appears that there is allegation against the petitioner of taking mobile Sim on forged documents and forged identity card, but from perusal of the F.I.R, it appears that there is no mobile number has been given by the informant and there is no any criminal antecedent against the petitioner mentioned in the case diary.

So considering all these aspects of the case, I am inclined to enlarge the petitioner on bail, in the event of her arrest or surrender before the learned court below within four weeks from today after furnishing bail bonds of Rs. 10,000/- with two sureties of the like amount each to the satisfaction of the court below subject to conditions as mentioned u/s 438 (2) of Cr.P.C. (Dictated)

(Pradeep Kumar Malik)
Sessions Judge, Siwan