

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.13707 of 2015

Arising Out of PS.Case No. -12 Year- 2014 Thana -BEGUSARAI GRP CASE District-
BEGUSARAI

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Nagina Mukhiya S/O Amir Mukhiya, Resident of village- Pathakaulia, P.S.-
Gopalpur, District- West Champaran

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance:

For the Petitioner/s : Mr. Sanjeev Kumar

For the Opposite Party/s : Dr. M.K.Gautam(App)

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

2 07-05-2015 Heard both sides.

The petitioner apprehends his arrest in a case under
Sections 328/379 of the Indian Penal Code.

The informant alleged that while he was travelling in
Mithila Express, his co-passenger offered him a cup of tea and
thereafter he became unconscious and he found himself in hospital
and all his belongings were stolen. It is submitted that the
petitioner is not named in the F.I.R., but one stolen mobile,
bearing IMEI No. 357892059848944 having SIM No.
8507074523, was recovered from the possession of Kamlesh
Mukhiya. Kamlesh Mukhiya disclosed that the said mobile was
given to him by his brother-in-law Nagina Mukhiya (the
petitioner). It is submitted that the aforesaid mobile is not a stolen
one as the informant did not state the fact that his mobile was also

stolen although he described the articles stolen from his purse.

Be that as it may, it appears that the stolen mobile was recovered from Kamlesh Mukhiya, who disclosed that the petitioner gave him the said mobile.

Considering the facts aforesaid, I am not inclined to enlarge the petitioner on anticipatory bail in Rail (Barauni) P.S. Case No. 12 of 2014. Accordingly, the same is rejected.

The petitioner is directed to surrender in the court below within four weeks from today and make prayer for regular bail. The court below shall consider the prayer for regular bail of the petitioner without being prejudiced by this order.

(Prabhat Kumar Jha, J)

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