

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.39819 of 2016

Arising Out of PS.Case No. -89 Year- 2015 Thana -RAIL District- LAKHISARAI

Rajendra Paswan, Son of Late Baidyanath Paswan, Resident of Village-
Kelawari Pokhariya, P.S.- Boriro (Jirbabari) District- Sahebganj
(Jharkhand).

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

Appearance:

For the Petitioner/s : Mr. Sanjeev Kumar, Advocate.

For the Opposite Party/s : Mr. Ram Sevak Choudhary, A.P.P.

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

3 18-10-2016 Heard both sides.

The petitioner apprehends his arrest in Jhajha Rail
P.S. Case No. 89/15 registered under Section 379 of the Indian
Penal Code.

The informant lodged the case against unknown for
committing theft of money, mobile, PAN card, ATM card and
other articles in a train. It is submitted that during the course of
investigation, the informant and others apprehended four persons
from whose possession money was recovered. The informant
handed over those persons, namely, Bachan Roy, Ashok Kumar,
Sujit Kumar and Hemant Kumar to the police but the police let
them free and lodged the case against unknown. No stolen article
was recovered from the possession of the petitioner. The mobile
of the petitioner was stolen and it is alleged that the stolen SIM

was being used in the mobile of the petitioner and that is why the petitioner has been made accused. The petitioner has been given benefit under Section 41(A) of the Code of Criminal Procedure.

It appears from perusal of the records that the stolen SIM was used in the mobile of the petitioner. The SIM was issued in the name of the petitioner, who submitted his AADHAR Card and photograph in the application for getting the SIM. The petitioner was using the stolen mobile.

Considering the facts aforesaid, I am not inclined to enlarge the petitioner on anticipatory bail in Jhajha Rail P.S. Case No. 89/15. Accordingly, the same is rejected.

(Prabhat Kumar Jha, J)

Dilip/-

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