

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.40002 of 2016

Arising Out of PS.Case No. -44 Year- 2015 Thana -KATIHAR GRP CASE District- KATIHAR

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1. Gopal Mandal son of late Pali Mandal Resident of Village-Dumaria, P.s.
Gopalpur, District Bhagalpur

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Mukesh Kumar Jha

For the Opposite Party/s : Mr. Sir Pramod Kumar Pandey

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR
JHA
ORAL ORDER

2 22-09-2016 Heard both sides.

The petitioner apprehends his arrest in Katihar Rail
P.S. case No. 44 of 2015 under Section 380 of the Indian Penal
Code.

The informant lodged the case against unknown for
theft of purse, containing mobile and other articles, of his wife
from Danapur Capital Express train. During the course of
investigation, stolen mobile was recovered from the possession of
Babloo Thakur. Babloo Thakur disclosed that he purchased the
mobile from Gopal Mandal, the petitioner, four months ago.

The learned counsel for the petitioner submits that no
theft article has been recovered from the possession of the
petitioner.

Considering the fact that Babloo Thakur in his statement under Section 164 of the Cr. P. C. disclosed that petitioner sold the stolen mobile to him, I am not inclined to enlarge the petitioner on anticipatory bail. Accordingly, the same is rejected.

If the petitioner surrenders in the court below, i.e., the learned Railway Judicial Magistrate, Katihar in Katihar Rail P.S. case No. 44 of 2015, and prays for regular bail, the learned court below shall consider the prayer for regular bail of the petitioner on its own merit.

(Prabhat Kumar Jha, J)

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