

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.42955 of 2018

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Sandeep Kumar S/o Ramdeyal Raut, R/o Vill.- Patpariya, P.S.- Muffasil,
District- East Champaran.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Umesh Chandra Verma, Advocate.

For the Opposite Party/s : Mr. Lalan Kumar, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR
SINGH
ORAL ORDER

2 19-07-2018 Heard learned counsel for the petitioner and learned
counsel for the State.

The petitioner seeks pre-arrest bail in connection
with Muffasil P.S. Case No. 05 of 2018 registered under Sections
379 of the Indian Penal Code.

In the FIR the informant has alleged that he received
a call on his cell phone. The caller requested him to immediately
come to Kotwa More with his auto-rickshaw. When he reached
there, he found two persons waiting for him. They got seated in
the auto-rickshaw and proceeded ahead. When they reached at
Watganj Chowk, on the instruction of said persons, he stopped his
auto rickshaw and started taking breakfast and in the meantime,
the said persons demanded the key of the auto-rickshaw from the



informant on the pretext that they have to bring their household articles within ten minutes and thereafter they proceeded from there. Believing upon them, he gave the key to them but they never returned.

Though the case was registered against unknown, in course of investigation it transpired that the SIM number from which the call was made was issued in the name of the petitioner.

It is submitted by the learned counsel for the petitioner that it is not expected that a person will disclose his identity and give a call from his own number, if he has mensrea to do any illegal act.

On the other hand, learned counsel for the State submitted that it is a gross case in which the petitioner has used his cell phone and has illegally dispossessed the owner of the auto-rickshaw and took away the same on false pretext.

Considering the nature of allegation, I am not inclined to grant pre-arrest bail to the petitioner. Accordingly, the application for grant of pre-arrest bail is rejected.

(Ashwani Kumar Singh, J)

Pradeep/Sneha

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