

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.1908 of 2018**

Arising Out of PS.Case No. -142 Year- 2010 Thana -MUNGER MUFFASIL District- MUNGER

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Ajit Kumar, Son of Arun Kumar Das, Resident of Village/Mohalla-  
Birajpur, P.S.- Sangrampur, District- Munger, at present residing at Room  
No.12 of Rajkeye Lodge Near D.J. College, P.S.- Kasim Bazar, District-  
Munger.

.... .... Petitioner/s

Versus

The State of Bihar.

.... .... Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr. Sanjiv Kumar Singh

For the Opposite Party/s : Mr. Md. Nazir Ansari

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**CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR  
SINGH**

ORAL ORDER

02/ 15-01-2018

Heard learned counsel for the petitioner and  
learned APP for the State.

The petitioner is apprehending his arrest in  
a case registered for the offences punishable under Sections 406  
and 408/34 of the Indian Penal Code.

The prosecution case as per the written  
report submitted by Rajesh Kumar Jha being Patrolling Officer  
of the Towers of Airtel inspected the Airtel Tower No. 9 where  
Manoj Kumar Sharma was deputed as Guard but he was found  
absent. During investigation 36 batteries were found missing. On  
enquiry, the informant came to know that Chandan, the son of



the informant, deputed his friend Badal Yadav. Badal Yadav and this petitioner used to consume liquor at the Airtel tower site and they managed to take away 36 pieces of battery.

It is submitted by learned counsel for the petitioner that, though, the case was registered in 2010 but the investigation was pending and final report (charge sheet) was submitted on 31.01.2015, consequently cognizance was taken by the learned SDJM, Munger vide order dated 28.04.2015 under Sections 406 and 408/34 of the Indian Penal Code. It is further submitted that it is admitted case of the informant that the entire tower including the battery was entrusted to Manoj Kumar Sharma and there is no entrustment to the petitioner, hence, the offences under Sections 406 and 408 IPC are not made out against the petitioner. A statement has been made in paragraph 3 of the petition that the petitioner is not having any criminal antecedent.

Considering the thrust of accusation against the Guard, Manoj Kumar Sharma coupled with the statement made in paragraph 3 of the petition that the petitioner is not having any criminal antecedent, let the above named petitioner be released on anticipatory bail, in the event of arrest or surrender before the learned Court below within a period of



twelve weeks from today, on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Sub-divisional Judicial Magistrate, Munger in connection with Munger Muffasil P.S. Case No. 142 of 2010, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

**(Dinesh Kumar Singh, J)**

DKS/-

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