

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.53503 of 2018

Arising Out of PS.Case No. -18 Year- 2016 Thana -MOKAMA RAIL P.S. District- PATNA

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1. Virendra Kumar Choudhary S/o Ayodhya Choudhary, R/o Naya Tola,
Municipal Area, Ward No. -10, P.S.- Lakhisaray, Distt.- Lakhisarai, Bihar.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Bimlesh Kumar Jha, Advocate

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

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CORAM: HONOURABLE MR. JUSTICE ADITYA KUMAR TRIVEDI
ORAL ORDER

3 19-09-2018 Heard learned counsel for the petitioner as well as
learned APP.

On account of issuance of warrant of arrest against
the petitioner relating to Mokama (Hathidah) Rail PS Case No.
18/2016, instant petition for an anticipatory bail as provided under
Section 438 CrPC has been filed on behalf of petitioner.

It has been submitted on behalf of petitioner that he
happens to be a mobile mechanic. Customers used to visit his shop
for repairing of the mobile. That being so, criminal liability could
not be fasten upon him in the background of the fact that stolen
mobile set was being used by him under his SIM number. That
being so, asked for release of the petitioner on bail in anticipation
of an arrest.

Learned APP opposed the prayer for bail.



Informant, a passenger in a way to her destination was deprived of her belongings by unknown thief near Hathidah Railway Station. Items which were stolen away have been properly detailed including that of two mobile sets. I.O. during course of investigation has taken out call details and as is evident from para-54, the same was found to be under use by the petitioner having SIM No. 9162429477. It is further evident from para-69 that petitioner was directed to be physically present on 12.01.2017. The case diary of 12.01.2017 which begins right from paragraph-71 to 76, did not disclose presence of petitioner though, controverted at the end of petitioner.

Accordingly, prayer is refused.

(Aditya Kumar Trivedi, J)

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