

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.69845 of 2018

Arising Out of PS. Case No.-138 Year-2018 Thana- GANDHIMAIDAN District- Patna

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Deepak Kumar Sinha, Son of Late Rama Shanker Prasad, resident of
Mohalla- Mahavir Colony, Beur, P.S.- Beur, District- Patna.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Amit Kumar Anand

For the Opposite Party/s : Mr. Md. Anzarul Haque Sahara

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 04-12-2018 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, 420, 323, 379 and 120B of the Indian Penal Code.

The prosecution case as per Complaint Case No. 1091 of 2018 filed by Dinkar Kumar Dubey which came to be registered as police case after transferred under Section 156(3) of the Cr.P.C. is to the effect that the informant purchased a mobile phone on 22.10.2017 on loan from Bajan Finance. In December, 2017 the display of the said mobile stopped working due to which nothing was shown on the display of the phone.



On 13.01.2018, the informant went to Samsung Service Centre for getting the mobile phone repaired but his mobile was kept by the staff of the said service centre for repairing and the staff of the service centre called him in the evening and aksed him to come and collect his mobile phone. At about 6.00 P.M. when the informant was on the way of the Samsung Service Centre to collect his mobile phone he received a call from the service centre that the repairing charge of mobile phone is Rs.8,500/- which has to be paid by the informant. It is further alleged that on the next day the informant went to the service centre and told the staff that the repairing charge of display is maximum Rs.500/- and not Rs.8,500/- and questioned about the details of the cost of repairing of the said mobile phone, the mobile phone of the informant was not provided to him. Consequently, the informant sent three legal notices to the service centre but none of them was received by the service centre. Ultimately, on 23.02.2018 the informant again went to the service centre for obtaining his mobile phone but the staff of the service centre again demanded the said amount, i.e., Rs.8,500/-and did not provide him the mobile phone. Thereafter, the informant asked them as to why they have not received the legal notices, whereupon the petitioner and other staff of the service centre



abused, assaulted the informant and threatened him and also snatched Rs.10,000/- from the pocket of the informant.

It is submitted by learned counsel for the petitioner is simply an employee of the said service centre and accusation is not specific against the petitioner. It is further submitted that the accusation of snatching money is not specific against the petitioner. A statement has been made in paragraph 3 of the petition that the petitioner is not having any criminal antecedent.

Learned APP submits that the petitioner is named in the FIR.

Considering the filing of the complaint on 15.03.2018 for the occurrence of 23.02.2018, no direct accusation against the petitioner, 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 Additional Chief Judicial Magistrate-VIth, Patna in connection with Gandhi Maidan P.S. Case No. 138 of 2018,



subject to the conditions as laid down under Section 438(2) of
the Cr.P.C.

(Dinesh Kumar Singh, J)

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