

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17286 of 2019

Arising Out of PS. Case No.-235 Year-2017 Thana- BARAUNI RAIL P.S. District- Begusarai

Jawahar Saw @ Jawahar Sah, Son of Jageshwar Saw, Resident of Mohalla -
Purani Bazar, Lohar Patti, P.S.- Lakhisarai, Town, Distt - Lakhisarai.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Alok Kumar Alok

For the Opposite Party/s : Mr. Sanjay Kumar Pandey

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 26-03-2019 Heard learned Counsels for the petitioner and
learned APP for the State.

The petitioner is apprehending arrest in a case registered for the offence punishable under Section 379 of the Indian Penal Code.

The prosecution case as per the written report of Rahul Kumar Choudhary submitted to SHO, Barauni Rail Police Station, Muzaffarpur is to the effect that on 18.10.2017, the informant and his wife were travelling on Tata Chapra Express train from Jesidih to Muzaffarpur. On the way, when the train reached at Barauni Railway Station, informant's wife got down the train to take some water, leaving her lady purse on the Berth No.38 of the train and when she came back, the purse containing mobile phone, a watch and some ornaments was missing, leading to registration of FIR against unknown persons.



Subsequently, during investigation co-accused Laxman Choudhary was apprehended from whose possession, stolen mobile phone was recovered. It is further alleged that the apprehended co-accused Laxman Choudhary disclosed the name of the petitioner.

It is submitted by learned counsel for the petitioner that the name of the petitioner sprang up on the confessional statement of apprehended co-accused, Laxman Choudhary and there is no recovery from the conscious physical possession of the petitioner. A statement has been made in paragraph no. 3 of the petition that the petitioner is not having any criminal antecedent.

It is submitted by learned APP for the State that the name of the petitioner sprang up on the confessional statement of apprehended co-accused, Laxman Choudhary.

Considering the fact that nothing has been recovered from the conscious physical possession of the petitioner and name of the petitioner sprang up on the confessional statement of apprehended co-accused, Laxman Choudhary, coupled with statement made in paragraph no.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 12 weeks from today, on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned **ACJM, Barauni Rail, Begusarai** in connection with **Barauni Rail P.S. Case No. 235 of 2017**, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Dinesh Kumar Singh, J)

Deepak/Rahul/-

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