

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.57013 of 2019

Arising Out of PS. Case No.-271 Year-2018 Thana- PATNA GRP CASE District- Patna

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BASHISHTH NARAYAN GAURAV Son of Upendra Narayan @ Upendra Narayan Singh, Resident of Village - Mananpur, P.S.- Ghoshi, District- Jehanabad

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Satyendra Narayan

For the Opposite Party/s : Mr.Md. Fahimuddin

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

2 13-09-2019 Heard both sides.

The petitioner apprehends his arrest in G.R.P. Patna Junction P.S. Case No.271 of 2018 registered under Section 379 of the Indian Penal Code.

The informant lodged the case for theft of his Motorola Mobile having two SIM numbers. IMEI of the mobile was 355629086116636.

Learned counsel for the petitioner submits that the petitioner is not named in the F.I.R. The name of the petitioner figured in the case on the basis of CDR. It has come that the petitioner was having SIM No.9113132433 and he put his own SIM in stolen mobile bearing the same IMEI number. It is further submitted that the voice recorder was not obtained and it



cannot be said that the petitioner was talking with the stolen mobile after putting his own SIM, but from perusal of the order of the learned Sessions Judge, it appears that the petitioner is the owner of SIM No.9113132433 and it was petitioner, who inserted his own SIM in the stolen mobile which got IMEI No. 355629086116636 and CDR shows that the petitioner was using the stolen mobile.

Having considered the facts aforesaid, I am not inclined to enlarge the petitioner on anticipatory bail. Accordingly, the same is rejected.

(Prabhat Kumar Jha, J)

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