

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.345 of 2019**

Arising Out of PS. Case No.-14 Year-2014 Thana- BARAUNI RAIL P.S. District- Begusarai

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Murari Pandey Son of Late Lakshmi Pandey, resident of Village- Jaithpur,  
Police Station- Barahiya, District- Lakhisarai.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr.Jai Shanker Prasad  
For the Opposite Party/s : Mr.Sri Bharat Bhushan

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**CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR**  
**ORAL ORDER**

2      29-01-2019                      The petitioner seeks bail in anticipation of his arrest in connection with Barauni Rail P.S. Case No. 14 of 2014 dated 11.03.2014 instituted for the offences under Section 379 of the Indian Penal Code.

It appears that the petitioner was given notice under Section 41(a) of the Code of Criminal Procedure.

The requirement of preferring the present petition for anticipatory bail has arisen because of the submission of the charge-sheet against the petitioner under Sections 379 and 411 of the Indian Penal Code.

A suitcase of a passenger was stolen from a running train. From the possession of the petitioner, a



mobile telephone was recovered which is a stolen property. The petitioner, right from the beginning, has claimed that he had purchased the aforesaid mobile from somebody for a consideration amount of rupees five hundred.

Even if it was a stolen property, since the petitioner did not know about the same being stolen, the ingredients of Section 411 I.P.C would not be attracted. Precisely for this reason, despite recovery, the petitioner was not arrested and he was given the benefit under Section 41(a) of the Cr.P.C.

For the fact that petitioner was given the benefit of Section 41(a) of the Cr.P.C, I am not inclined to grant anticipatory bail to the petitioner. The prayer for anticipatory bail of the petitioner is thus rejected.

However, if the petitioner surrenders before the Court below and prays for regular bail, within a period of four weeks from today, the Court below shall take into account the aforestated facts and that the petitioner never misused the privilege of Police bail and shall pass orders in accordance with law without being prejudiced by the fact



that the present petition for anticipatory bail has not been entertained.

The petition is dismissed with the aforesaid observation.

**(Ashutosh Kumar, J)**

Shageer/-

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