

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60755 of 2019

Arising Out of PS. Case No.-66 Year-2019 Thana- WARISNAGAR District- Samastipur

Munna Prasad, aged about 28 years, M, Son of Laxmi Sah @ Laxmi Prasad Jaiswal, Resident of Village – Mardachak, Madhuchhapra,, P.S.- Pipra Kothi, Distt - East Champaran.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Dinesh Jha, Adv Mrs Ranjana Srivastava, Adv.
For the Opposite Party/s :		Mr. Sanjay Kumar Sharma, APP.

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 25-09-2019 Heard learned counsel for the petitioner and learned counsel appearing on behalf of the State.

The petitioner apprehends his arrest in connection with Waris Nagar (Mathurapur O.P.) P.S. Case No. 66 of 2019 registered under section 379, 461 and 411 of the I.P.C.

The allegation against the petitioner, as per the first information report, is that the informant is a Team Leader of Instakart Services Pvt. Ltd situated near Bazar Samiti Road, Patna. On 13.03.2019 morning, when the informant along with his helper reached the go-down of the Company he found that “Kurkat” of the go-down was broken and lock of the gate was also found broken and upon inquiry it was found that shipment of the Company along with mobile phones, D.V.R were missing.

Learned counsel appearing for the petitioner submits



that the petitioner is innocent and has falsely been implicated in this case merely on the basis of the fact that stolen mobile phone has been found in possession of the petitioner inasmuch as phone tracking device and I.M.E.I number of the stolen mobile phone tallied with the mobile in the possession of the petitioner. Learned counsel further submits that the petitioner has purchased the mobile phone and he was unaware of the fact that it was stolen.

On the other hand, learned counsel appearing for the State vehemently opposed the prayer of anticipatory bail and submits that as per the mobile tracking device and I.M.E.I the stolen mobile phone from the go-down of the informant was found in possession of the petitioner and the petitioner is full brother of the co-accused Vikram and does not deserve the privilege of Anticipatory bail.

Having regard the submission made by the parties and taking into consideration the fact that petitioner was found in possession of the stolen property, I am not inclined to exercise my discretion to grant anticipatory bail.

This application is, accordingly, rejected.

(Anil Kumar Sinha, J)

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