

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29516 of 2020

Arising Out of PS. Case No.-254 Year-2019 Thana- SIMRI District- Buxar

ANISH DUBEY @ AVNISH DUBEY Son of Sri Sanjay Dubey Resident of
Village- Simrikhairapatti, Police Station- Simri, District- Buxar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Nil Kamal, Advocate

For the Opposite Party/s : Mr. Manoj Kumar, A.P.P.

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 17-12-2020 Heard Mr. Nil Kamal, learned counsel for the
petitioner and Mr. Manoj Kumar, learned Additional Public
Prosecutor appearing for the State through video conferencing.

Petitioner apprehends arrest in connection with Simri
P.S. Case No. 254 of 2019 registered for the offences punishable
under Sections 379 and 411 of the Indian Penal Code 1860.

The allegation against the petitioner is that he sold a
Mobile phone in favour of the informant for a sum of Rs.7,500/-
and when the informant demanded the papers of the said
Mobile, the same was not produced by the petitioner.
Accordingly, the present First Information Report has been
lodged by the informant alleging that the same Mobile was
stolen one.

Learned counsel for the petitioner submits that the



petitioner and informant are close door neighbours and previously also a number of cases have been filed by the side of the informant against the petitioners. Learned counsel further submits that the allegation in the First Information Report is highly improbable that the Mobile Phone which was allegedly purchased by the petitioner for a sum of Rs.13,000/- and just after three days, he sold the same to the informant for a sum of Rs.7,500/-. The informant on the basis of concocted story, has dragged the petitioner in the present case. Learned counsel also submits that after lodging of this case, another case has been lodged by the informant against the petitioner bearing Simri P.S. Case No. 282 of 2019 on 27.09.2019 alleging therein that petitioner threatened the informant to withdraw the present First Information Report and also snatched a sum of Rs.20,000/- from the informant.

Having regard to the submissions made by the parties and taking into consideration the materials on record and the fact that both the parties are neighbours and there is previous dispute between them, I am inclined to grant anticipatory bail to the petitioner.

Accordingly, in the event of arrest or surrender before the court below within six weeks from today, petitioner, above



named, shall be released on anticipatory bail on furnishing bail bonds of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Buxar, in connection with Simri P.S. Case No. 254 of 2019, subject to the condition as laid down under Section 438(2) of the Code of Criminal Procedure.

It is made clear that at the time of furnishing bails bonds all the parties shall follow the guidelines regarding social distancing.

(Anil Kumar Sinha, J)

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