

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32550 of 2020

Arising Out of PS. Case No.-41 Year-2018 Thana- BAKHTIYARPUR RAIL P.S. District-
Patna

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VICKY KUMAR, S/O- Ashok Kumar R/V - Badi Sangat, Ward No. 3, P.S. -
Khushroopur, Distt. - Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Vijay Kumar Sinha

For the Opposite Party/s : Mr.APP

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR

ORAL ORDER

3 01-03-2021 Heard Mr. Vijay Kumar Sinha, learned counsel

for the petitioner and Mr. Ram Priya Sharan Singh,

learned APP for the State.

The petitioner seeks bail in anticipation of his

arrest in connection with Railway Bakhityarpur (Fatuha)

P. S. Case No. 41 of 2018, G.R. No. 139 of 2018,

instituted for the offence under Section 379 of the



Indian Penal Code.

The petitioner has not been named in the F.I.R. and his implication in this case later is only on the basis of CDR report of the Sim Card which was inserted in a telephone which is said to have been stolen from a running train.

The learned counsel for the petitioner has submitted that assuming but not admitting that the Sim Card which was claimed by the petitioner was used in the mobile telephone which is said to be stolen but the petitioner cannot be charged for the same as there is no evidence whatsoever of the petitioner either having stolen the mobile set or of having purchased the stolen property knowing it to be a stolen one.

Apart from this, the learned counsel for the petitioner has submitted that there is a factual error in the order rejecting the application of bail of the petitioner. There is no other case of similar nature pending against the petitioner and the reference of



Khusroopur P. S. Case No. 30 of 2014 dated 27.04.2014 which was instituted under Sections 379 / 411 of the Indian Penal Code is against another person with the same name as that of the petitioner.

The learned counsel for the petitioner has further intimated this Court that he has never been declared an absconder.

Considering the vague nature of accusation against the petitioner and there being nothing in the memo of evidence, the petitioner, above-named, is directed to be released on bail, in the event of his arrest or surrender before the court below within a period of eight weeks from the date of receipt / production of a copy of this order, on his furnishing bail bonds in the sum of Rs. 10,000 /- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned A.C.J.M., Railway, Patna, in connection with Railway Bakhityarpur (Fatuha) P. S. Case No. 41 of 2018, G.R. No. 139 of 2018, subject to the conditions as laid down



under Section 438 (2) Cr.P.C., and ascertaining whether
or not the petitioner is an absconder.

The application stands allowed.

(Ashutosh Kumar, J)

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