

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22411 of 2022

Arising Out of PS. Case No.-198 Year-2018 Thana- SARAI RANJAN District- Samastipur

1. KANTI DEVI WIFE OF RAM KUMAR SAHNI R/O VILLAGE-RAJWARA, P.S.- MUSHAHARI, DISTRICT- MUZAFFARPUR
2. SANYOG KUMAR SON OF SURENDRA SAHNI R/O VILLAGE-RAJWARA, P.S.- MUSHAHARI, DISTRICT- MUZAFFARPUR

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Manoj Kumar, Advocate

For the Opposite Party/s : Mr.Uday Pratap Singh, APP

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 07-06-2022 Heard the learned counsel for the petitioners and
the learned A.P.P. for the State.

This is an application for grant of anticipatory bail in connection with Sarairanjan PS case no. 198 of 2018 registered for the offences punishable under Sections 461, 379 of the Indian Penal Code.

At the outset, the learned counsel for the petitioners seek liberty to enable petitioner no. 2 to surrender before the learned court below and seek regular bail.

Permission so sought, is granted.

Accordingly, the present petition *qua* petitioner no. 2 stands dismissed as not pressed.

The case of the prosecution in brief is that a theft



had taken place in the night of 11.12.2018 in the godown of the informant and 26 PC mobile, 2 Laptop, 2 Hard Disk, 40 PC Memory Card and a sum of Rs. 80,000/- were stolen. It appears that subsequently, during the course of investigation, it was found that the stolen mobile handset was being used by means of a sim card, registered in the name of the petitioner no. 1 while another stolen mobile handset was being used by a sim card, registered in the name of petitioner no. 2.

The learned counsel for the petitioner no. 1 has submitted that the petitioner no. 1 is innocent, has been falsely implicated in the present case and is having a clean antecedent. It is further submitted that petitioner no. 1 is not having any complicity in the matter and she had infact used her sim card to test the mobile phone in question upon some stray seller of second hand mobile phones having come to her tea shop but the fact is that she had not used the stolen mobile thereafter, hence benefit of doubt may be given to the petitioner no. 1 for the purposes of grant of anticipatory bail.

Per contra, the learned APP for the State has vehemently opposed the prayer of bail.

Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the petitioner and taking into account the materials available on



record as also considering the fact that the petitioner no. 1 has categorically averred in paragraph no. 10 of the present petition that only for the purposes of testing the mobile phone, purportedly being sold by a stray seller, she had used her sim card, whereafter she had neither purchased the stolen mobile phone nor ever used the same, apart from the fact that she is having a clean antecedent, I deem it fit and appropriate to admit the petitioner no. 1 to the privilege of anticipatory bail.

Accordingly, the petitioner no. 1, in the event of her arrest or surrender before the court below within a period of six weeks from the date of receipt/ production of a copy of this order, is directed to be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (Rs. Ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate III, Samastipur in connection with Sarairanjan PS case no. 198 of 2018, subject to the conditions as laid down under Section 438(2) of Code of Criminal Procedure.

(Mohit Kumar Shah, J)

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