

IN THE HIGH COURT OF JUDICATURE AT PATNA

CRIMINAL MISCELLANEOUS No.3062 of 2023

Arising Out of PS. Case No.-58 Year-2022 Thana- BAKHTIYARPUR RAIL P.S. District- Patna

MD. YUSUF @ MISTER S/O Ainul Hoda @ Ainul Haque @ Enul Hoda R/O Village- Sadaruddinchak, (Near Muslim High School), P.S- Habibpur, District- Bhagalpur

.. ... Petitioner/s

Versus

THE STATE OF BIHAR

... ... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Manendra Kumar Sinha
For the Opposite Party/s : Mr. Ashok Kumar Singh

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA

ORAL ORDER

3 16-05-2023 Heard learned Counsel for the petitioner and learned Additional Public Prosecutor for the State.

This application, for grant of anticipatory bail, arises out of G.R.P., Bakhtiyarpur Police Station Case No. 58 of 2022 dated 01.06.2022, disclosing offences under Section 379 of the Indian Penal Code.

The prosecution story, on the basis of the First Information Report, is that the informant with his family members was traveling in Train No. 12332 on 13.05.2022, from there a brown ladies purse of the informant's mother containing several articles including mobile phone was stolen by some unknown person.



Learned counsel submits that the petitioner is not named in the First Information Report and during the investigation, one Md. Shabaz was arrested, who accepted that he had stolen the purse from the train in question and sold the mobile phone to some other person and he did not even disclose the name of the petitioner. The petitioner has been made accused on the basis of suspicion by the police that the stolen mobile phone was in use with the sim issued in the name of the petitioner.

The petitioner is a man of clean antecedent.

Having regard to the submissions made on behalf of the parties and taking into consideration the fact that the petitioner has been made accused in this case on the basis of suspicion, accordingly, I am inclined to grant the petitioner privilege of anticipatory bail.

This application is, accordingly, allowed.

Let the petitioner, above named, in the event of his arrest or surrender before the Court below within four weeks, be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Railway Judicial Magistrate, Patna, in connection with G.R.P., Bakhtiyarpur Police Station Case No.



58 of 2022, subject to the condition laid down under Section
438 (2) of the Code of Criminal Procedure.

(Anil Kumar Sinha, J)

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