

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18960 of 2024

Arising Out of PS. Case No.-240 Year-2023 Thana- BHAGALPUR KOTWALI District-
Bhagalpur

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Mithun Kumar, Son Of Rudal Harijan @ Narayan Das Resident Of Village-
Gn Mukherjee Road, Near Kali Asthan, Bhikhanpur, Gumti No. 1, Ps-
Ishakchak, Distt- Bhagalpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ranjan Kumar Jha, Advocate

For the Opposite Party/s : Mr. Nand Kishore Prasad, APP

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CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

3 08-05-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

02. In the present case, the petitioner is apprehending his arrest in connection with Kotwali (Tilkamanjhi) P.S. Case No. 240 of 2023, registered on 07.03.2023, for the alleged offence under Sections 457, 380 of the Indian Penal Code.

03. As per prosecution case, a theft was committed in the house of the informant in midnight and the thieves decamped with two mobile phones and cash of Rs. 5,000/-. The name of the petitioner transpired during investigation as the person, who committed theft in the house of the informant.

04. Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this



case as the FIR was registered against unknown. The IMEI number which is mentioned in the FIR is 866072044823757 but the SIM card of the petitioner was found to be used in mobile phone of IMEI No. 866072044823750, which is obviously not the mobile phone stolen in this case. Moreover, the mobile phone and the SIM card were seized by the police in Kotwail (Tilkamanjhi) P.S. Case No. 775 of 2023 and the present case has also been lodged before the same police station, still the petitioner was not remanded in the present case from the subsequent case in which he has been kept in judicial custody. Except for the use of SIM card in some other mobile phone, which does not appear to be stolen property of the present case, there is no material against the petitioner, who is having antecedent of two cases but he is on bail in both the cases.

05. Learned A.P.P. for the State vehemently opposes the prayer for anticipatory bail. Learned APP submits that from the copy of seizure list annexed with the case diary, it is apparent that recovery of one mobile phone was made from this petitioner in Tilkamanjhi P.S. Case No. 775 of 2023 and two IMEI numbers were found to be used in the said mobile phone and one of the IMEI number of the said mobile phone is 866072044823757 but it appears that in one of the paragraphs of



the case diary IMEI number has been wrongly mentioned
whereas in subsequent paragraph number, namely, 81, the
correct IMEI number was mentioned.

06. Having regarding to the facts and circumstances
and considering the nature of allegation against the petitioner
and his criminal antecedent, I do not think it is a fit case for
grant of anticipatory bail to the petitioner. Hence, his prayer for
anticipatory bail is **rejected**.

(Arun Kumar Jha, J)

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