

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.57847 of 2024

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

Jitendra Sahani S/o Munshi Sahani R/o Village Rajwara Bhagwanpur PS
Sakra District Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Chandra Shekhar Anand, Adv.

For the Opposite Party/s : Mr.Sanjay Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

- 2 09-08-2024 1. Heard the learned counsel for the petitioner and the learned APP for the State.
2. This is an application for grant of anticipatory bail in connection with Sarai Ranjan P.S. Case No.198 of 2018, registered for the offences punishable under Sections 461 and 379 of the Indian Penal Code.
3. 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.
4. The learned counsel for the petitioner has submitted



that the petitioner is innocent, he has been falsely implicated in the present case and he is having a clean antecedent. The learned counsel for the petitioner has further submitted that no stolen mobile phones, laptops, etc., have been recovered from the petitioner and in fact he has been falsely implicated in the present case merely on account of the fact that a sim card was found installed in a stolen mobile handset, which was registered in the name of the petitioner, however, the said mobile phone has also not been recovered either from the house of the petitioner or from his possession, thus, it is submitted that the petitioner is not having any complicity in the alleged occurrence. It is also submitted that similarly situated co-accused persons have already been granted the privilege of anticipatory/regular bail by this Court, vide orders dated 07.06.2022 and 19.07.2024, passed in Cr. Misc. No.22411 of 2022 and Cr. Misc. No.37887 of 2024, respectively.

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

6. Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the parties and taking into account the materials available on record, as also considering the parity of the case of the petitioner



with that of the other co-accused persons, who have already been granted the privilege of anticipatory/regular bail, apart from the fact that neither any recovery of stolen articles have been made from the petitioner nor from his house and he is having a clean antecedent, I deem it fit and proper to admit the petitioner to the privilege of anticipatory bail.

7. Accordingly, the above named petitioner is directed to be enlarged on anticipatory bail, in the event of his arrest or surrender before the court below, within a period of four weeks from today, on furnishing bail bond of Rs.10,000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate-1st Class, Samastipur, in connection with Sarai Ranjan P.S. Case No.198 of 2018, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Mohit Kumar Shah, J)

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