

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37048 of 2023

Arising Out of PS. Case No.-104 Year-2020 Thana- BUXAR INDUSTRIAL District- Buxar

Nitesh Kumar Rai Son Of Nilesh Rai R/O-Nagpur, P.S.-Rajpur, Distt.-Buxar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ravi Shankar Pathak, Advocate

For the Opposite Party/s : Ms. Pushpa Sinha.1, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

3 17-10-2023 Heard Mr. Ravi Shankar Pathak, learned counsel appearing on behalf of the petitioner and the learned Additional Public Prosecutor for the State.

2. The petitioner apprehends his arrest in connection with Buxar (Industrial Area) P.S. Case No. 104 of 2020, registered for the offences punishable under Section 379 of the Indian Penal Code.

3. Allegedly, while the informant went in a *dhaba* to take meal, after parking his motorcycle and when he came after some time, he found his motorcycle was stolen by some unknown thief.

4. Learned counsel appearing on behalf of the petitioner submits that from the narration made in the FIR, it is evident that the alleged occurrence took place on 12.02.2020,



however, the present FIR has been instituted on 16.06.2020 against unknown thief. Later on, co-accused 'Shivam Kumar' was apprehended and on whose confession, the stolen motorcycle has been recovered from the possession of 'Salim Ansari'. The name of the petitioner has been disclosed by 'Shivam Kumar' as one of his associates. He further submits that only because of the fact that the petitioner bears a criminal antecedent, his name has been implicated in this case, at the behest of the police official. He next submits that the petitioner has neither any concern with the person, from whose possession the recovery has been made nor with the present crime.

5. On the other hand, learned counsel for the State opposed the pre-arrest bail application.

6. Regard being had to the submissions made on behalf of the parties and considering the delay in lodging of the FIR and the fact that the alleged recovery has been made from 'Salim Ansari', let the petitioner above named be released on bail, in the event of his arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, upon furnishing bail bonds of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial



Magistrate, Buxar in connection with Buxar (Industrial Area)
P.S. Case No. 104 of 2020, subject to the conditions laid down
in Section 438(2) Cr.P.C. with the further condition that one of
the bailors shall be the own/close family members of the
petitioner.

(Harish Kumar, J)

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