

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.39045 of 2023**

Arising Out of PS. Case No.-1052 Year-2019 Thana- NAGAR District- Vaishali

Ramparvesh Sah S/O Ramdas Sah R/O Village- Akbar Malahi, Sarai Main  
Road Sarai, P.O- Sarai, P.S- Sarai, Distt- Vaishali.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

**Appearance :**

For the Petitioner/s : Mr. Akash Anand, Advocate  
For the Opposite Party/s : Mr. Umesh Lal Verma, APP

**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD**  
**ORAL ORDER**

3      06-09-2023                      Heard learned counsel for the petitioner and learned  
APP for the State.

2. The petitioner in the present case is seeking pre-arrest bail in connection with Hajipur P.S. Case No. 1052 of 2019 registered for the offences punishable under Sections 395, 397 of the Indian Penal Code. He has got no criminal antecedent.

3. As per the prosecution story, on 23.11.2019, 6-7 unknown accused persons entered into the Muthoot Finance Company situated at Jagdamba Estate, Hajipur Cinema Road and on the point of pistol, looted 55.777 Kgs of gold and Rs.50,000/- cash. It is also alleged that they looted 4-5 mobile phones from the employees.

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



case. It is submitted that the petitioner has no criminal antecedent.

5. Learned APP for the State has opposed the prayer for anticipatory bail of the petitioner.

6. Having regard to the facts and circumstances of the case wherein this Court has been informed that the name of this petitioner and his son Mithilesh Kumar were taken in the confessional statement of the co-accused Balwant Kumar Paswan @ Balam Paswan, the petitioner and his son are goldsmith having shop at Hat Road, Sarai and it is the submission of the petitioner that the ornaments seized by the police from his shop are not the gold from the Muthoot Finance Company, son of the petitioner was charge-sheeted and upon considering the case of the son of the petitioner, learned Additional Sessions Judge-V, Vaishali at Hajipur has granted him regular bail in B.P. No. 2180 of 2022, this Court is of the considered opinion that the petitioner, who according to learned counsel for the petitioner, has not been charge-sheeted, may surrender within a period of four weeks from today with prior service of copy of the bail petition on learned P.P. for the State and on his surrender in the court below, his prayer for bail shall be considered on the same day on its own merit but at the same



time, keeping the principle of parity in mind.

7. It is expected that the court below shall not reject the prayer for regular bail of the petitioner without considering the principle of parity, only because this Court has, instead of granting anticipatory bail, relegated the petitioner to the court below to seek regular bail.

8. This application stands disposed of accordingly.

9. Let the case diary be returned to the court below.

**(Rajeev Ranjan Prasad, J)**

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