

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36207 of 2023

Arising Out of PS. Case No.-195 Year-2023 Thana- BIDUPUR District- Vaishali

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Ram Pravesh Rai @ Pravesh Rai Son of Ramdeyan Rai Resident of Village-
Chauk Maigar, PS- Bidupur, District- Vaishali

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Jay Ram Prasad, Advocate.

For the Opposite Party/s : Mr. Shaheen Begum, APP.

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 25-07-2023 Heard Mr. Jay Ram Prasad, learned counsel for the
petitioner and learned APP for the State.

2. The Petitioner is apprehending his arrest in connection with Bidupur P.S. Case No.195 of 2023 registered for the offences punishable under Sections 379, 461, 411, 34 of the Indian Penal Code.

3. The informant claiming himself to be a owner of a scrap shop, when he came to his shop in the morning on 27.03.2023 found the door of the his shop was broken and on inquiry he found that spare parts of old vehicles and other articles were stolen by some unknown thief. It is further alleged that informant later on came to know that this petitioner used to purchase stolen articles and thereupon he rushed to the shop of the petitioner, however, on noticing the informant the petitioner



fled away and one Vivek Kumar was apprehend, who disclosed that on the instruction of the petitioner, he has committed theft in the informant shop. The stolen articles were recovered from the shop of the petitioner.

4. Learned counsel appearing on behalf of the petitioner submits that from the narration of the FIR, it is admitted that the petitioner also happens to be owner of scrap shop and he used to sale and purchase the scrap materials. He further submits that the articles which are said to have been recovered from the shop of the petitioner do not belong to the informant rather same have been sold by other persons, which has been purchased by him. He next submits that he is a man of fair antecedent and save and except the disclosure made by apprehended Vivek Kumar there is no other material suggesting the complicity of the petitioner. He lastly submits that the petitioner gives undertaking that he will fully cooperate in the further investigation and trial.

5. On the other hand learned APP for the State vehemently opposes the bail application and submits that the stolen articles were recovered from the shop of the petitioner.

6. Regard being had to the submissions made on behalf of the parties and considering the fact that the petitioner



is the owner of scrap shop and he used to purchase scrap materials, coupled with the fair antecedent, let the above named petitioner, be released on bail, in the event of his arrest or surrender before the learned Court below within a period of four weeks from today, on furnishing bail bond of Rs. 10,000/- (ten thousand only) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Vaishali at Hajipur in connection with Bidupur P.S. Case No.195 of 2023, subject to the condition as laid down under Section 438(2) of the Code of Criminal Procedure with further condition that one of the bailors shall be the own/close family members of the petitioner.

(Harish Kumar, J)

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