

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.50566 of 2022

Arising Out of PS. Case No.-76 Year-2018 Thana- BHAGWANPUR District- Vaishali

KARPURI SHAH @ RAJ KAPOOR SHAH @ RAJ KAPOOR son of Late
Julum Shah R/o Village - Patepur, P.S.- Kartaha, District - Vaishali at Hajipur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Niranjan Parihar, Advocate

For the Opposite Party/s : Mr. Mritunjay Kumar Nirala, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 11-01-2023 Heard learned counsel for the petitioner and the

State.

The petitioner is apprehending arrest in connection with Bhagwanpur P.S. Case No. 76 of 2018 under section 395 of the Indian Penal Code.

As per the prosecution story, the informant alleged that the accused persons barged into his automobile agency and took away Rs. 1,45,000/- and some gold chain besides a mobile and also snatched Rs. 60,000/- from her Gajendra Kumar besides some important documents. Accordingly, the FIR.

Subsequently, in course of investigation, Prince Kumar and Sujit Kumar were apprehended and they gave the name of this petitioner to be one of their accomplice.

Learned counsel for the petitioner submits that nothing has been recovered from the conscious possession of



the petitioner and only because of the confessional statement, he has been made accused.

The learned APP on the other hand submits that it is matter of 'Dacoity' from the automobile agency and in that background when the investigation is continuing against the petitioner, it would not be proper to grant him any relief.

Taking into account the fact that the name of the petitioner has come in the confessional statement of the two accused persons against whom charge-sheet has been submitted and the investigation is going on, this Court is not inclined to grant him any relief and the application stands rejected.

However, if the petitioner surrenders within a period of four weeks from today, the learned Court shall take into account the documents and the facts available on record before taking the decision at an earliest without being prejudiced by the outcome of the present petition.

(Rajiv Roy, J)

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