

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33291 of 2025

Arising Out of PS. Case No.-518 Year-2024 Thana- RAXAUL District- East Champaran

Rupesh Yadav, Son of Bhagwat Prasad Yadav, Resident of Village-
Kukurbhuta, P.S.-Kalya, District - Bara (Nepal). At Present Resident of
Village - Ward No.- 20, Raxaul, P.S.- Raxaul, District - East Champaran.
... .. Petitioner

Versus

The State of Bihar
... .. Opposite Party

Appearance :
For the Petitioner/s : Mr. Ajay Kumar Thakur, Advocate
Mr. Madhurendra Kumar, Advocate
Mr. Sanjiv Kumar, Advocate
For the Opposite Party/s : Md. Anzarul Haque Sahara, Advocate

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 21-05-2025 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. The accused/petitioner is named in the FIR and apprehending his arrest in connection with Raxaul P.S. Case No.518 of 2024 registered under Sections 317(4), 317(5), 111, 318(4), 3(5) of the Bhartiya Nyaya Sanhita, 2023 (in short ‘B.N.S.’).

3. As per FIR, certain cosmetic items along with ceiling fans, furniture, filling equipment etc. were recovered from a godown, which was in possession of apprehended co-accused persons and said to be stolen property.

4. It is submitted by Mr. Ajay Thakur, learned



counsel appearing for the petitioner that the name of petitioner transpired on the basis of disclosure made by apprehended co-accused persons. It is submitted that there is nothing on record, which may suggest that seized items were stolen, particularly, when no any such FIR was lodged by any person *qua* theft of recovered stolen goods. It is submitted that the petitioner was doing business of aforesaid items and, for that, a proper godown was hired in Raxaul in Rameshwar Fruit Market. It is submitted that the recovery was also made from the Janavi Traders Godown, which is of co-accused Ajay Kumar. It is submitted that save and except suspicion, nothing appears available, which may suggest that recovered good in issue were stolen. The petitioner said to be a man of clean antecedent.

5. Learned APP opposed the prayer for anticipatory bail to the petitioner.

6. In view of aforesaid factual submissions and by taking note of fact as *prima facie* nothing surfaced, which suggest that property in issue was stolen, which further appears to be recovered from the godown of the petitioner,



who is a man of clean antecedent, accordingly, the petitioner, above-named, in the event of his arrest or surrender in the court below within a period of four weeks from today, is directed to be released on bail on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Sub Divisional Judicial Magistrate, Raxaul, East Champaran, Motihari in connection with Raxaul P.S. Case No.518 of 2024, subject to the conditions as laid down under Section 438(2) of the CrPC/under Section 482(2) of the BNSS.

(Chandra Shekhar Jha, J.)

Sanjeet/-

U		T	
---	--	---	--

