

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.51535 of 2021

Arising Out of PS. Case No.-78 Year-2021 Thana- GOPALPUR District- West Champaran

SAKIR ALAM Son of Dadan @ Dadan Miyan Resident of Village-
Jagarnathpur, P.S.- Gopalpur, District- West Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Umesh Chandra Verma, Advocate

For the Opposite Party/s : Mr.Suman Kumari Singh, APP

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 21-03-2022 Heard the learned counsel for the petitioner and the
learned APP for the State.

The petitioner seeks regular bail in connection
with Gopalpur PS case no. 78 of 2021 instituted for the offences
punishable under Sections 457 and 380 of Indian Penal Code.

The allegation is regarding theft having been
committed in the shop of the informant in the night of
28.05.2021 and a laptop, printer, copper wire, mobile phone etc.
were stolen. It is alleged that during the course of investigation,
the name of the petitioner has transpired in the present case and
accordingly, search was made in his shop, from where the looted
articles are stated to have been recovered.

The learned counsel for the petitioner has
submitted that the petitioner is innocent, has been falsely



implicated in the present case, is having a clean antecedent and is languishing in custody since 26.06.2021. The learned counsel for the petitioner has further submitted that though the alleged incident had taken place in the night of 28.05.2021, however the F.I.R. has been registered belatedly only on 22.06.2021 i.e. after a delay of about 26 days. It is next submitted that the petitioner is himself running a mobile repairing shop and he had purchased stock of various parts/ articles from a wholesaler, in proof whereof, cash memos have been annexed as Annexure 2 series to the present petition. It is also submitted that the petitioner has been falsely roped in the present case merely on suspicion and is having no complicity in the alleged occurrence.

Per contra, the learned A.P.P. for the State has vehemently opposed the prayer for bail.

Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the parties and taking into account the materials available on record as also considering the fact that the petitioner is running a mobile repairing shop and has produced proof of purchase of articles/ parts from the wholesaler by way of cash memos, annexed as Annexure 2 series, apart from the fact that the petitioner has been roped in the present case merely on



suspicion, is having a clean antecedent and is languishing in custody since about 08 months, I deem it fit and proper to admit the petitioner to the privilege of bail.

Accordingly, the abovenamed petitioner is directed to be released on bail on furnishing bail bond of Rs. 10,000/- (Rs. Ten thousand) with two sureties of the like amount each to the satisfaction of learned court of Additional Chief Judicial Magistrate-1, West Champaran at Bettiah in connection with Gopalpur PS case no. 78 of 2021.

(Mohit Kumar Shah, J)

rinkee/-

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

