

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.25530 of 2023**

Arising Out of PS. Case No.-386 Year-2022 Thana- SIWAN CITY District- Siwan

Gopal Kumar Son Of Mohan Shah Resident Of Village - 58 Near Gramin  
Bank Regional Office, Rajbanshi, Nagar Siwan

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Rakesh Kumar Shrivastava, Advocate  
For the Opposite Party/s : Mr. Raj Kishor Singh, APP

**CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY**  
**ORAL ORDER**

2      19-05-2023

1. Heard learned counsel for the parties.

2. The petitioner has preferred this application for grant of regular bail in connection with Siwan Town P.S. Case no.386 of 2022 registered under sections 457 and 380 of the Indian Penal Code.

3. As per the prosecution case, two mobile phones and a laptop belonging to the son of the petitioner were stolen by unknown accused persons.

4. Learned counsel for the petitioner submits that the F.I.R was registered against unknown. Referring to the order of the learned trial Court, learned counsel for the petitioner submits that from the said order it would transpire that the prosecution is mainly relying on the confessional statement of the petitioner who has been falsely implicated in the case. No incriminating



article has been recovered from his possession. The alleged recovery is from Ishar Alam about whom it is stated that this petitioner sold the mobile phone to him through one Chhotu. The other mobile phone is said to have been recovered from co-accused Mukesh Shah. The petitioner is in custody since 14.12.2022 and charge-sheet has been submitted in the case.

5. Heard learned A.P.P for the State.

6. Having heard learned counsel for the parties and taking into consideration the submissions made on behalf of the petitioner, the contents of the order of the learned trial Court, no incriminating article having been recovered from the petitioner's possession, his being in custody for more than 5 months since 14.12.2022 and charge-sheet having been submitted in the case, the petitioner is directed to be enlarged on bail in connection with Siwan Town P.S. Case no.386 of 2022 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 Chief Judicial Magistrate, Siwan.

**(Partha Sarthy, J)**

Shiv/-

|   |  |   |  |
|---|--|---|--|
| U |  | T |  |
|---|--|---|--|

