

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32025 of 2023

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

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MUKESH SAH Son of Mahesh Sah @ Mahesh Gond Resident of village -
Khurmabad, P.S.- Siwan Muffasil, District – Siwan. Petitioner/s

Versus

The State of Bihar Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ajay Kumar Tiwary, Adv.
For the Opposite Party/s : Mr. Md. Nazir Ansari, APP

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 05-07-2023 Heard Mr. Ajay Kumar Tiwary, learned counsel for

the petitioner and Mr. Md. Nazir Ansari, learned additional Public

Prosecutor for the State.

2. Petitioner seeks regular bail in connection with

Siwan Town PS Case No. 386/2022 dated 27.06.2022 registered

for the offence punishable under sections 457, 380 of the IPC.

Later on, section 411 of the IPC was also added.

3. As per prosecution case, in the night of 27.06.2022,

the informant found that some unknown persons have committed

theft in his house and taken away mobile phones, laptop, money

etc,. The name of the petitioner got transpired during course of

investigation.

4. Learned counsel for the petitioner submits that one

Gopal Kumar was arrested, who in his confessional statement

during course of investigation, has stated that one of the stolen

mobiles was sold by him to the petitioner and on that basis one

mobile was recovered from the house of the petitioner. Learned

counsel next submits that at the time of purchase of mobile phone,

the petitioner was not aware of the fact that the said mobile was a



stolen property. The said Gopal Kumar has been granted bail by a Co-ordinate Bench of this Court in Cr. Misc. No. 25530/2023 *vide* order dated 19.05.2023. Petitioner is in custody since 14.12.2022, charge-sheet has been submitted and there is no likelihood that the petitioner shall abscond or tamper with the evidence.

5. Regards being had to the submissions made by the parties, taking into consideration the fact that the co-accused, Gopal Kumar has been granted bail by a co-ordinate Bench of this Court, petitioner is in custody since 14.12.2022, charge-sheet has been submitted in the matter and there is no likelihood that the petitioner will abscond or tamper with the evidence, I am inclined to grant regular bail to the petitioner.

6. Accordingly, let the petitioner, MUKESH SAH be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of Sri Krishna Kumar, learned Judicial Magistrate 1st Class, Siwan in connection with Siwan Town PS Case No. 386/2022.

(Anil Kumar Sinha, J)

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