

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.68586 of 2025

Arising Out of PS. Case No.-59 Year-2025 Thana- GURUA District- Gaya

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Gautam Kumar @ Sipu @ Sibbu, aged about 38 years, Male, Son of Late Laxmi Prasad, Resident of Mohalla- Ray Shital Prasad Road, Gayaji, P.S.- Kotwali, District- Gayaji.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Arvind Kumar Singh, Advocate

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

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CORAM: HONOURABLE MR. JUSTICE RAMESH CHAND MALVIYA
ORAL ORDER

3 10-12-2025 Heard learned counsel for the petitioner and learned APP for the State.

2. The petitioner seeks bail in connection with Gurua P.S. Case No. 59 of 2025 instituted for the offences punishable under Sections 334(1) and 303(2) of the BNS.

3. As per the prosecution case, it is case of theft of golden and silver jewellery worth of Rs. 6,00,000/- and cash amounting to Rs. 25,000/- from the shop of the informant.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence and has falsely been implicated in this case. He submits that petitioner is not named in the FIR and his name has been surfaced in course of investigation in this case. He further submits that in course of investigation Co-accused namely Sanni Kumar, M. Raza @ Md.



Razzak and Md. Shahib were arrested in this case on the basis of disclosure of spy and thereafter, confessional statements were recorded by the police, they were accepted the accusation of their involvement in the alleged occurrence and took the name of the petitioner. He next submits that nothing incriminating or looted golden or silver jewellery or cash has been recovered from the conscious possession of the petitioner or from his house. Petitioner is in custody since 13.06.2025.

5. Learned APP for the State opposes the prayer for bail.

6. From perusal of the FIR, case diary and impugned order of the learned Additional Sessions Judge—II, Sherghati, Gaya dated 23.08.2025, it appears that petitioner is not named in the FIR. From perusal of the records, it appears that on the basis of written report of the informant, FIR has been registered under Sections 334(1) and 303(2) of the BNS against unknown persons. It also appears that investigation has already been concluded and chargesheet has already submitted and during investigation no Test Identification Parade has been conducted by the Investigating Officer till date. Petitioner has got six criminal antecedent of similar nature as stated in para 3 of the petition is in custody since 13.06.2025, so considering all these



aspects of the case, period of custody, I am inclined to grant bail to the petitioner.

7. Accordingly the prayer for bail of the petitioner is allowed. Let the petitioner above named be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate First Class, Sherghati, Gayaji in connection with Gurua P.S. Case No. 59 of 2025, subject to the condition that the petitioner shall physically present before the Trial Court on each and every date as fixed by the Trial Court and if he does not appear before the Trial Court on two consecutive dates, the Trial Court shall be at liberty to cancel the bail bonds of the petitioner.

(Ramesh Chand Malviya, J)

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