

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.7742 of 2017

Arising Out of PS.Case No. -799 Year- 2016 Thana -KATIHAR District- KATIHAR

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Shyamalendu Shekhar @ Shyamendu Sekhar, S/o Shri Binod Kumar Singh, Proprietor Eastern Sales, Mirchaibari, Airtel Distributors, R/o Mohalla- Mirchaibari, Sahayak Nagar P.S.- District- Katihar.

.... Petitioner

Versus

The State of Bihar.

.... Opposite Party

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Appearance :

For the Petitioner : Mr. Awadhesh Kumar, Advocate

For the Opposite Party : Mr. Parmanand Prasad (APP)

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CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA
ORAL ORDER

3 29-03-2017 Heard learned counsel for the petitioner and learned counsel representing the State.

The petitioner apprehends his arrest in connection with Katihar Town P.S. Case No. 799 of 2016, registered for the offences punishable under Sections 419, 420, 465, 466, 467, 468, 471, 472, 473, 474 and 120B of the Indian Penal Code.

Allegedly, on receiving secret information about indulging of several people in the business of illicit liquor, who used to change the mobile for their safety taking the same on fake identity card. Thereafter, in this regard, police started investigation and apprehended one Shivnanad Sah @ Papu, who disclosed about issuing the SIM on fake identity card by the shopkeeper of the mobile and SIM card on this basis of the forged identity card,



which are supplied by one Chandan Kumar. Thereafter, Chandan Kumar was apprehended with several fake identity card, who also disclosed the name of the petitioner and other in supplying the fake identity card. Thereafter, on search of the shop of the petitioner three voter IDs in the name of Seema Devi, Dinesh Das and Sanjay Mandal were recovered, besides this some filled-up and some unfilled forms and some retailer stamps have also been recovered.

Submission is of false implication and that seizure do not at all constitute an offence, unless the voter IDs and the particulars in the forms are found to be forged and fake. The police without verifying the same has called it as fictitious and forged. The police never verified that the three voter IDs are actually genuine or fake and on the basis of their own assumptions or presumption, they have framed the case against the petitioner. the petitioner has got no criminal antecedent and in this case other co-accused Amit Sureka has been allowed pre-arrest bail vide Cr. Misc. No. 5898 of 2017 by another co-ordinate bench of this Court and, as such, the petitioner deserves sympathetic consideration.

The learned A.P.P. fairly submits that Amit Sureka has been allowed pre-arrest bail.

In the facts and circumstances as stated above, the



petitioner in the event of his arrest or surrender within four weeks from the date of receipt/production of a copy of this order shall 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 learned Chief Judicial Magistrate, Katihar, in connection with Katihar Town P.S. Case No. 799 of 2016, subject to the conditions as laid down in section 438(2) of the Cr.P.C.

(Jitendra Mohan Sharma, J.)

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