

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.2281 of 2018

Arising Out of PS. Case No. -97 Year- 2017 Thana -WARISNAGAR District- SAMASTIPUR

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SHAMIM AKHTAR @ MD. SHAMIM AKHTAR, S/o Md. Mahfooj, R/o
Islampur, P.S. - Nanpur, District - Sitamarhi.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner : Mr. Amresh Kumar Sinha, Advocate

For the Opposite Party: APP

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL ORDER

- 2 17-01-2018 As prayed, learned counsel for the petitioner is permitted to make necessary corrections in paragraph 1 of the bail petition by adding the penal sections under which allegations have been made in the first information report, in course of the day.
2. Heard learned counsel for the petitioner and learned APP for the State.
3. The petitioner is in custody since 26.04.2017 in connection with Warisnagar P.S. Case No. 97 of 2017 for the offences alleged under Sections 399, 402 and 414 of the Indian Penal Code and Sections 25(1-b)a, 26/35 of the Arms Act.
4. It is submitted that the petitioner has been falsely implicated in connection with recovery of two country made pistols with magazine and two live cartridges from his possession. It is submitted that in the seizure list containing the statements of the witnesses, namely, Kamlesh Kumar Rai and Pramod Kumar Rai, they have not specifically disclosed the recovery of the aforesaid incriminating articles from conscious possession of the petitioner. It is submitted that even though the occurrence was of 6.00 P.M. prior evening on 24.04.2017, the seizure list has been prepared much later at 4.30 A.M. on 25.04.2017. The petitioner has been



implicated merely in the backdrop of his criminal antecedents. It is further submitted that in any event, charge sheet has already been submitted and there is no chance of tampering with the evidence.

5. A perusal of the first information report however discloses that when information was received by the informant at 6.00 P.M. prior evening, the informant proceeded to the spot at 4.00 A.M. on 25.04.2017 and as such there is no delay in preparation of the seizure list at 4.30 P.M. on 25.04.2017.

6. The petitioner has a number of criminal antecedents of similar nature and it would appear that he could be indulged in such crimes despite being on bail in the earlier cases.

7. Having regard to the nature of accusations and gravity of the offence alleged, this Court is not inclined to grant privilege of bail to the petitioner. The bail petition stands dismissed. However, the petitioner may renew his prayer for bail after framing of charge.

B.T/Chandran

(Vikash Jain, J)

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