

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39730 of 2021

Arising Out of PS. Case No.-37 Year-2021 Thana- BAHADURGANJ District- Kishanganj

MD SHAMIM @ LALTU ALAM @ SAMIM Son of Md. Nazir Resident of
Village- Dumariya, Ward No.5, P.S.- Poakhali, District- Kishanganj.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Raj Kumar, Advocate.

For the Opposite Party/s : Mr.Jai Narain Thakur, APP.

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

3 28-02-2022 Heard learned counsel appearing on behalf of the
petitioner and learned A.P.P. for the State.

Let the defect(s), if any, be removed within two
weeks of the complete start of the physical Court in normal
course.

The petitioner seeks regular bail in connection with
Bahadurganj P.S. Case No. 37 of 2021 for the offence
punishable under Sections 419, 420, 467, 468, 413 and 414 of
the Indian Penal Code.

The prosecution case, in brief, is that on secret
information, the informant, who is SHO, Bahadurganj reached
at Lehila Chowk at 17 O'clock alongwith the raiding team, three
persons standing along with motorcycles started to flee away,
but on chase two of them were apprehended and one succeeded



to flee away. The apprehended accused disclosed his name as Babu Saheb from whose possession a red colour Honda Shine motorcycle bearing Registration No. BR 37H 3720 was recovered and another apprehended disclosed his name as Md. Samim (petitioner) from whose possession an unnumbered black blue colour glamour motorcycle was recovered. They also disclosed the name of their fleeing accomplice as Md. Saddam. On their disclosure, the police raided house of many other accused persons and recovered many stolen motorcycles and other incriminating materials.

Learned counsel appearing on behalf of the petitioner submits that the petitioner is innocent and he has falsely been implicated in this case merely on suspicion. Nothing has been recovered from conscious possession of the petitioner. Recovery of an unnumbered motorcycle from the possession of the petitioner is false and concocted. He further submits that the seizure list has not been prepared in accordance with law as the seizure list is dated 08.02.2021, on which Bahadurganj P.S. Case No. 37 of 2021 dated 09.02.2021 has been mentioned. Hence there is infirmity in conduct of investigation by the investigating officer. Petitioner is in custody since 10.02.2021.

Learned A.P.P. for the State has opposed the prayer for



grant of bail to the petitioner and submits that the petitioner is a habitual offender and he is accused in half a dozen cases of similar nature prior to lodging of the present case. He further submits that the petitioner is the main person who is running an unorganized group of criminals for stealing the motorcycles and other vehicles, as such he does not deserve to be released on bail.

Considering the aforementioned facts and circumstances of the case, period of custody of the petitioner, there is no allegation of tampering with the evidence or influencing the witnesses, the petitioner, above named, is directed to be enlarged on bail on furnishing bail bond of Rs.25,000/- (Rupees twenty five thousand) with two sureties of the like amount each to the satisfaction of the learned CJM, Kishanganj in connection with Bahadurganj P.S. Case No. 37 of 2021, subject to the following conditions:-

(1) Bailors should be local having sufficient immovable property within the jurisdiction of the Court concerned.

(2) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court.

(3) If the petitioner tampers with the evidence or the



witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioner.

(4) If the petitioner is found involved in similar nature of offence, after his release on bail, the trial Court shall take steps to cancel his bail bonds.

(Purnendu Singh, J)

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