

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31032 of 2023

Arising Out of PS. Case No.-70 Year-2023 Thana- DHAKA District- East Champaran

Md. Sakib S/O Md. Salim R/O Village- Pakariya, P.S- Bairgania, Distt.-
Sitamarhi.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Md. Nazir Ansari, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 05-07-2023 Heard learned counsel appearing on behalf of the
petitioner and learned counsel appearing on behalf of the State.

Let the defect(s), if any, be removed within a period of
four weeks from today.

The petitioner seeks bail in connection with Dhaka P.S.
Case No. 70 of 2023 registered for the offence under Sections 379/34
of the Indian Penal Code (in short 'I.P.C.'), later on Section 411 of
the I.P.C. has been added.

The accused/petitioner is named in the F.I.R. and is in
custody since 21.02.2023.

The allegation against the petitioner is to commit theft and
while committing so taken away motor-cycle of informant alongwith
other co-accused persons, having registration no. BR05R5186.

Learned counsel appearing on behalf of the petitioner
submitted that as certain disputes developed at tea-stall of petitioner



with informant, he was falsely implicated with present case, where even alleged recovery was shown from roadside, which is an open place. While concluding the argument, it has been submitted that petitioner is a man of clean antecedent and moreover, investigation of this case has been completed, for which, charge-sheet has been submitted, as such, there is no chance of tampering with the evidence.

Learned APP opposes the prayer of bail.

Considering the facts and circumstances as mentioned above, as alleged recovery of motor-cycle not appears to be made from physical possession of this petitioner, coupled with the fact that charge-sheet has already submitted, where petitioner is in custody since 21.02.2023, accordingly, above named petitioner is directed to be released on bail in connection with Dhaka P.S. Case No. 70 of 2023 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Sub-Divisional Judicial Magistrate, Sikarhana at Dhaka, East Champaran/concerned court, subject to the conditions as mentioned under Section 437 (3) of the Cr.P.C.

(Chandra Shekhar Jha, J.)

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