

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.66567 of 2022

Arising Out of PS. Case No.-377 Year-2022 Thana- DHAKA District- East Champaran

Shamim Akhtar @ Samim Akhtar, S/o Nek Mohammad, Resident of village-
Siswa, P.S.- Gour, District- Routhat (Nepal)

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

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

For the Opposite Party/s : Md. Anbzarul Haque Sahara, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA

ORAL ORDER

2 22-02-2023 Heard learned counsel appearing for the petitioner and
learned Additional Public Prosecutor for the State.

The petitioner seeks pre-arrest bail in connection with
Dhaka P.S. Case No.377 of 2022 registered for the offences
punishable under Sections 567, 468, 471, 420, 413 and 414 read
with 34 of the Indian Penal Code.

The accused/petitioner is named in the first
information report and is in custody since 26.06.2022.

The allegation against the petitioner is to habitually
deal in stolen property along with other co-accused persons and
while doing so, he was found in possession of forged and
fabricated stolen smart card.



It is submitted by the learned counsel that petitioner has been falsely implicated in this case as no such alleged smart card was recovered from his possession. It is further submitted that seizure list also appears doubtful, being not supported by any independent witnesses rather by police personnel. While concluding the argument, it is submitted that the petitioner was also involved in two more cases, where he is on bail and moreover, investigation of this case has been completed, for which charge sheet has already been submitted, as such, there is no chance of tampering with the evidence.

Learned Additional Public Prosecutor appearing on behalf of the State opposes the prayer for grant of bail to the petitioner.

In view of the above-mentioned facts and circumstances of the case, as the seizure list appears doubtful regarding seizure of fake smart card, being not supported by any independent witnesses, coupled with the fact that charge-sheet has already been submitted, the above named petitioner is directed to be released on bail on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Sub-Divisional Judicial Magistrate, Sikarhana at Dhaka, East Champaran in



connection with Dhaka P.S. Case No. 377 of 2022, subject to the conditions as mentioned under Section 437(3) of the Code of Criminal Procedure.

(Chandra Shekhar Jha, J.)

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