

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.54841 of 2024**

Arising Out of PS. Case No.-348 Year-2023 Thana- DHAKA District- East Champaran

Saddam Sheikh Son of Late Hazi Sheikh Nazir Resident of Village - Barwa  
Tola, P.S. - Bairginiya, District - Sitamarhi.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

**Appearance :**

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

For the Opposite Party/s : Mr.Amitesh Kumar, APP

**CORAM: HONOURABLE MR. JUSTICE RAJIV ROY**

ORAL ORDER

3      24-10-2024                      Heard the parties.

2. The petitioner is in judicial custody in connection with Dhaka P.S. Case No. 348 of 2023 for the offence punishable under Sections 170, 379, 419 and 420/34 of the Indian Penal Code lodged on 23.06.2023 by the informant, Nitesh Kumar Singh.

3. As per the prosecution story, the informant who is a collecting agent after collecting Rs. 32,351/- was going to his branch when the accused intercepted and claiming himself as an Officer demanded checking of the bag. The bag was handed over and when it was returned, he found Rs. 32,351 missing. Accordingly, the FIR.

4. Learned counsel for the petitioner submits that no such occurrence took place, he is not an Officer but due to some confusion, the implication. Though, he is in custody, no



TIP conducted. The last submission is that irrespective of the outcome of the present case and/or accepting the allegation, the petitioner would like to make payment of Rs. 35,000/- through Demand Draft issued by the local State Bank of India branch to be submitted before the 'NAZARAT' of the concerned Court to be handed over to the informant after checking the credential.

5. Learned APP opposes the prayer submitting that posing himself as an Officer, he checked the bag and took away the amount.

6. Allegation is there, the fact remains that no TIP conducted, he is in custody since 07.05.2024 (para-11 of the petition), this Court is inclined to extend him the privilege of bail subject to payment of Rs.35,000/- as undertaken by the learned counsel for the petitioner to be paid by Demand Draft of local SBI to be submitted to the trial Court and handed over to the informant after checking credentials.

7. Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of like amount each to the satisfaction of learned Sub-Divisional Judicial Magistrate, Sikarhana at Dhaka, East Champaran, in connection with Dhaka P.S. Case No. 348 of 2023 subject to the



following conditions:

(i) one of the bailor should be the family member/relative of the petitioner who shall provide official document to show his bona fide;

(ii) the petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bond by the Trial Court itself;

(iii) the petitioner shall appear before the concerned police station every fortnight for next six months to mark his attendance;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(v) the petitioner shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of his bail bonds.

**(Rajiv Roy, J)**

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