

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No 18072 of 2021**

Arising Out of PS. Case No.-708 Year-2020 Thana- MAJHAULIA District- West Champaran

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SAMSHAD ALAM @ SHAMSHAD ALAM @ SAMSAD ALAM SON OF
HAKIMUL AJIM R/O VILLAGE- JAUKATIYA, WARD NO.3, P.S.-
MAJHAULIA, DISTRICT- WEST CHAMPARAN.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr Md Anjum Akhter, Advocate

For the Opposite Party/s : Mr Surendra Prasad Singh, APP

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CORAM: HONOURABLE MR JUSTICE MADHURESH PRASAD

ORAL ORDER

2 22-10-2021

This case has been taken up today for consideration
through Video Conferencing.

Heard learned counsel for the petitioner and learned
Additional Public Prosecutor (for brevity, *APP*) appearing for
the State of Bihar.

The petitioner seeks bail in Majhauria Police Station
(for brevity, *PS*) Case No 708 of 2020 dated 16.10.2020
instituted for the offence punishable under Sections 399, 400,
401, 402, 403, 411, 413, 414, 419, 420, 467, 468, 471, 472, 379,
120B of Indian Penal Code and Sections 66, 66 (C) of
Information & Technology Act.

It is alleged that the police patrolling was passing by
the State Bank of India, Automated Teller Machine (for brevity,
ATM) when some youth started fleeing away. Petitioner is



amongst one person who was caught and from whose possession, there is recovery of several ATM Cards and other documents based on which prosecution alleges that they were indulging in financial fraud of various account holders and rural people.

Petitioner's counsel submits that having no criminal antecedent, the petitioner has been implicated in this case on extraneous considerations. He belongs to a respectable family. He was in fact running the business of supplying man power in the electrification projects in the State of Kerala and other States. In support of his submission, he has annexed the certificate issued by one ELMATICS Engineers Private Limited. It is further submitted that he was arrested from his home in the night and various ATM Cards, mobile phones and passbooks are actually belonging to him and members of his family. Under such circumstances, he is stated to be in custody since 16.10.2020. It is further submitted that co-accused Sonu Kumar, having similar allegation, has been allowed bail by this Court in Cr Misc No 21639 of 2021.

Learned APP has opposed the prayer for bail.

Having considered the rival submissions, this Court, for the purposes of grant of bail, is inclined to accept the



submissions advanced by the petitioner's counsel. Prayer for bail is allowed. Let the petitioner, above named, be released on bail on his furnishing bonds of Rs 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of Chief Judicial Magistrate, West Champaran in connection with Majhulia PS Case No 708 of 2020 dated 16.10.2020 subject to the following conditions:-

(i) That one of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailor will also undertake to inform the Court if there is any change in the address of the petitioner.

(ii) That the petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his bail bond will be liable to be cancelled.

Learned counsel for the petitioner is expected to honour his undertaking given in the instant proceedings today for depositing requisite Court fee and removing the defect (s), as pointed out, when called upon to do so.

(Madhuresh Prasad, J)

M.E.H./-

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