

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.43563 of 2021**

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

TARIQUE HUSSAIN @ TARIK HUSSAIN SON OF AMJAD HUSSAIN  
RESIDENT OF VILLAGE - JAUKATIYA, P.S- MAJHAULIA, DIST- WEST  
CHAMPARAN

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr.Umesh Chandra Verma, Adv.

For the Opposite Party/s : Mr.Md. Ataur Rahman, APP

**CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH**  
**ORAL ORDER**

2      13-01-2022      The instant case has been taken up for consideration through the mode of Video conferencing in view of the prevailing situation on account of COVID 19 Pandemic, requiring social distancing.

Heard the learned counsel for the petitioner and the learned APP for the State, Md. Ataur Rahman.

The petitioner seeks regular bail in connection with Majhauria P.S. Case No. 708/2020, registered for the offence punishable under Sections 399, 400, 402, 403, 411, 413, 414, 419, 420, 467, 468, 471, 472, 379, 120-B of the Indian



Penal Code and Sections 66 & 66-A of the Information Technology Act, 2000.

The allegation is regarding four named accused persons including the petitioner having been caught by the police and cash amount of Rs. 40,000/- besides ATM cards etc. were recovered from their possession and upon interrogation by the police, they had named the other co-accused persons, whereafter, one other co-accused person was arrested and a sum of Rs. 34 lacs in cash was recovered. It is also alleged that subsequently, the petitioner was arrested, however, only ATM cards were recovered.

The learned counsel for the petitioner has submitted that the petitioner is innocent, he has been falsely implicated in the present case, he is having a clean antecedent and he is languishing in custody since 28.5.2021. The learned counsel for the petitioner has further submitted that no incriminating / looted articles have been recovered from the conscious possession of the petitioner and he has been implicated in the present case



merely on the confessional statement made by the co-accused persons, who were arrested by the police earlier. It is further submitted that the person, from whose possession a sum of Rs. 34 lacs has been recovered, has already been granted bail by a coordinate Bench of this Court vide order dated 29.11.2021 passed in Criminal Miscellaneous No. 26691 of 2021.

Per contra, the learned APP for the State has vehemently opposed the prayer for bail.

Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the petitioner and taking into account the materials available on record as also considering the fact that no incriminating articles have been recovered from the conscious possession of the petitioner, the petitioner is having a clean antecedent and moreover, similarly situated co-accused person has already been granted bail by a coordinate Bench of this Court, I deem it fit and proper to direct for release of the petitioner



on regular bail.

Accordingly, the above named petitioner is directed to be enlarged on bail on furnishing bail bonds of Rs. 10,000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, West Champaran at Bettiah in connection with Majhaulia P.S. Case No. 708/2020.

**(Mohit Kumar Shah, J)**

Ajay/-

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