

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.54463 of 2021

Arising Out of PS. Case No.-110 Year-2021 Thana- CHOUTARWA District- West
Champaran

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Saddam Hussain, Son of Nijam Mian, Resident of Village- Tarkulwa, P.S.-
Chautarwa, District- West Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Amarendra Nath Verma, Advocate

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

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

3 31-08-2022 Learned counsel for the petitioner is permitted to

remove the defect(s), as pointed out by the office, within a

period of four weeks from today.

Heard Mr. Amrendra Nath Verma, learned counsel
appearing on behalf of the petitioner and learned counsel for the
State.

The petitioner seeks regular bail, who is in custody in
connection with Chautarwa P.S. Case No. 110 of 2021 registered
for the offences punishable under Sections 419 and 420 of the
Indian Penal Code.

As per the prosecution case, it is alleged that on the
pretext of making one-nation-one-ration-card, the petitioner got
the villagers thumb impressions on Macro machine by applying
liquid on their thumb by heating and thereafter illegally
withdrawn money from their saving accounts.



Learned counsel appearing on behalf of the petitioner submits that from the F.I.R. it does not appear as to when the incidence of cheating was taken place, neither the date of withdrawal nor the date on which the thumb impression have been obtained and prepared are mentioned. It is next submitted that even during the course of investigation neither the Branch Manager of the concerned Bank nor the Assistant Post Master of the concerned Post Office have stated that it is the petitioner, who had come to withdraw the money on behalf of the aggrieved persons. It is next submitted that even during the course of investigation, neither the Macro machine nor any other incriminating material has been recovered showing the complicity of the petitioner and the petitioner is a student studying in Graduation 1st year, having fair antecedent, is in custody since 27.07.2021.

On the other hand, learned APP for the State opposes the bail application and submits that several villagers have supported the prosecution case and made complaint of illegally withdrawing money from their accounts.

Having regard to the submissions made on behalf of the parties and considering the fact that during the course of investigation no cogent material has come suggesting the complicity of the petitioner and moreover no incriminating



material has been recovered from the person or possession of this petitioner and the petitioner is a student, having fair antecedent, is in custody since 27.07.2021, let the petitioner, named above, be released 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 Additional Chief Judicial Magistrate, Bagaha, West Champaran in connection with Chautarwa P.S. Case No. 110 of 2021, subject to the condition that one of the bailors will be the close relatives of the petitioner with further conditions which are as follows:-

(i) The petitioner will cooperate in conclusion of the trial.

(ii) He will remain present on each and every date of trial till disposal of the case.

(iii) He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.

(iv) In the event of default of two consecutive dates without any cogent reason, his bail bonds will liable to be cancelled.

(Harish Kumar, J)

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