

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.62916 of 2022

Arising Out of PS. Case No.-387 Year-2022 Thana- MAJHAULIA District- West Champaran

Tarik Hussain @ Tarik Anwar Son of Amajad Hussain R/O Village- Jaukatiya
Ward No.04, P.S.- Majhauria, District- West Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 63226 of 2022

Arising Out of PS. Case No.-387 Year-2022 Thana- MAJHAULIA District- West Champaran

Brij Kishore Kumar Son of Suraj Chaudhary @ Suraj Chaudhary Nishad R/v-
Lal Saraiya, Ward No. 9, P.S.- Majhauria, District- West Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance:

(In CRIMINAL MISCELLANEOUS No. 62916 of 2022)

For the Petitioner/s : Mr. Brij Kishor Mishra, Advocate

For the EOU, Bihar : Mr. V.N.D. Sinha, Sr. Advocate

Mr. Vijay Anand, Advocate

For the Opposite Party/s : Mr. Uday Pratap Singh, APP

(In CRIMINAL MISCELLANEOUS No. 63226 of 2022)

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

For the EOU, Bihar : Mr. V.N.D. Sinha, Sr. Advocate

Mr. Vijay Anand, Advocate

For the Opposite Party/s : Mr. Madhuri Lata, APP

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH

ORAL ORDER

4 13-04-2023 Both the criminal miscellaneous petitions have arisen out of the same police station case number, hence they are being heard together and decided by a common order.

2. Let the defects, if any, pointed out by the office be removed within four weeks from the date of this order, failing which the matter be listed again under the appropriate heading

for necessary action.

3. Heard learned counsels for the petitioners, learned counsel appearing on behalf of EOU, Bihar and the learned APPs for the State.

4. Petitioners seek regular bail in connection with Majhauria P.S. Case No. 387 of 2022 dated 29.05.2022 registered for the offences punishable under Sections 399, 400, 401, 402, 403, 411, 413, 414, 419, 420, 467, 468, 471, 472, 379 and 120(B) of the Indian Penal Code and Sections 66, 66(C) of the IT Act.

5. The main submissions advanced by learned counsel for petitioner Mr. Brij Kishor Mishra are that the petitioner has criminal antecedent of one case in which he is on bail and altogether forty-six persons have been made accused in the present matter and as per FIR two accused persons Prakash Kumar and petitioner Brij Kishore Kumar were apprehended by the police and from their possession several ATM cards were recovered and the said Prakash Kumar has been granted bail by a co-ordinate bench of this Court vide order passed in Cr. Misc. No. 63574 of 2022 and some other co-accused persons namely, Murari Yadav, Pramod Kumar, Tunna Kumar and Alok Kumar have also been granted bail by different benches of this Court and their case is completely identical to the petitioner Tarik

Hussain and the case of petitioner Brij Kishore Kumar is identical to the co-accused Prakash Kumar. Further submission is that the petitioner Tarik Hussain was not apprehended at the spot and his name surfaced in the statement made by the apprehended co-accused Prakash Kumar and he has been languishing in jail since 20.06.2022.

6. It is further submitted by learned counsel appearing for the petitioner Brij Kishore Kumar that against this petitioner there is criminal antecedent of one case and he has been languishing in jail since 30.05.2022 and the seizure list of the alleged articles was not prepared in accordance with law.

7. Learned counsel appearing for Economic Offence Unit has vehemently opposed the bail prayer and submitted that the petitioners and co-accused persons are members of a syndicate and by opening several bank accounts in the name of innocent persons they made money transactions of huge amount for illegal purpose and the petitioner Brij Kishore Kumar is carrying serious allegation against him as from his possession several ATM cards were recovered.

8. Having considered the submissions made above and mainly the privilege of bail having been granted to several co-accused persons mentioned above including co-accused Prakash

Kumar whose case is identical to the petitioner Brij Kishore Kumar and from his possession also ATMs etc. were recovered as per allegation but during the course of argument learned counsel appearing for Economic Offence Unit has not drawn the attention of this Court in respect of any details of the victims on account of the transactions allegedly made by the accused persons by using the seized ATM cards, in my opinion, the petitioners deserve to the privilege of bail. Accordingly, let the petitioners named above be enlarged on bail **after framing of charge, if the same has not been framed**, on furnishing bail bonds of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of concerned Court in connection with Majhulia P.S. Case No. 387 of 2022 on the following conditions:

(1) Petitioners shall co-operate in the trial and shall be properly represented on each and every date fixed by the Trial Court and shall remain physically present as directed by the Trial Court and on their absence on two consecutive dates without sufficient reason, their bail bond shall be cancelled by the Trial Court.

(2) If the petitioners tamper with the evidence or the witnesses, in that case the prosecution will be at liberty

to move for cancellation of their bail.

**(3) One of the bailers shall be a close relative of the
petitioners who has sworn affidavit in their respective
miscellaneous petition.**

(Shailendra Singh, J)

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