

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.15979 of 2023

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

ZIAUL HAQUE @ ZIYA UDDIN HAQUE @ ZIYAUL HAQUE Son of Late
Fakhre Alam @ Phalwe Alam R/V- Jaukatiya Ward no. 1, P.S- Majhauiliya
Dist- West champaran Bettiah

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sarvadeo Singh, Adv.
Mr. Md. Anjum Akhter, Adv.
For the Opposite Party/s : Mr. Binod Kumar No.3, APP

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

8 19-04-2024

1. Heard the parties.

2. The petitioner apprehends his arrest in connection with Majhauiliya P.S. Case No. 708/ 2020 dated 16.10.2020 registered for the offence(s) punishable under Section(s) 399, 400, 401, 402, 403, 411, 413, 414, 419, 420, 467, 468, 471, 472, 379 and 120B of the Indian Penal Code and sections 66, 66(C) of the I.T.Act.

3. Mr. Sarvadeo Singh, learned counsel for the petitioner submits that though the petitioner is named in the F.I.R. but against him, there is no evidence and except the disclosure made by the arrested co-accused, the police did not succeed to obtain any admissible evidence against the petitioner and several persons, including the petitioner, have been made



accused in this matter but the petitioner was not arrested on the spot and during investigation, the materials upon which the prosecution is relying does not contain any admissible evidence to show the petitioner's involvement in the alleged crime. It is further submitted that though against the petitioner, there are two more criminal cases but in the said cases he is on bail and one co-accused, Pramod Kumar carrying same nature of allegation is on bail.

4. Though, Mr. Binod Kumar No.3, learned APP appearing for the State opposed the bail prayer but fairly accepted that against this petitioner there is no any admissible evidence in the case diary except the technical assistance sought by the Investigating Officer from the Economic Offences Unit but in the case diary, there is no any technical evidence to show the petitioner's involvement in the alleged crime.

5. Considering the above submissions and mainly taking into account the fact that prosecution has failed to bring any admissible evidence to show the petitioner's involvement in the alleged crime except the disclosure made by the apprehended co-accused, in such circumstance, it will be proper to grant anticipatory bail to the petitioner. Accordingly, let the petitioner named-above, in the event of his arrest/surrender



before the learned trial court within a period of six weeks from today, be released on anticipatory bail in connection with Majhauriya P.S. Case No. 708/ 2020 on furnishing bail bond of Rs.10,000/-(Ten Thousand) with two sureties of the like amount each to the satisfaction of the Court concerned, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Shailendra Singh, J)

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