

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.62180 of 2023

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

ZIAUL HAQUE @ ZIYA UDDIN HAQUE son of late Fakhre Alam Village-
Jaukatiya W.No-1, Ps- Majhauriya Dist- W.Champaran Bettiah

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr.Ram Bilash Roy Raman, APP.

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

4 27-02-2024 Heard Mr. Md. Anjum Akhter, learned counsel
appearing on behalf of the petitioner and Mr. Ram Bilash Roy
Raman, learned APP for the State.

2. The petitioner seeks pre-arrest bail in connection
with Majhauriya P.S. Case No. 387 of 2022 registered for the
offence punishable under Sections 399, 400, 401, 402, 403, 411,
413, 414, 419, 420, 467, 468, 471, 472, 379 and 120B of the
Indian Penal Code.

3. As per the allegation made in the F.I.R., a Scorpio
vehicle bearing registration no. BR 05Q 0077 was intercepted in
which several ATM cards, cheque book of different Banks,
laptop, mobile phone with SIM cards and Aadhar Card were
recovered from the said vehicle.

4. Learned counsel appearing on behalf of the



petitioner submitted that altogether 44 accused have been named in the F.I.R. and in absence of any specific allegation against the petitioner that he was, in any manner, found in the Scorpio bearing Registration No. BR05Q0077 for satisfaction that the petitioner was possessed with incriminating articles like pass books and cheque books of different Banks, Mobile Phone with SIM cards, Laptop and Aadhar Cards, etc., the petitioner cannot be dragged in a false case. Nothing incriminating was recovered from physical possession of the petitioner. Earlier also, due to enmity, similar F.I.R. was lodged against the petitioner in the year 1999. After getting bail, petitioner left the State and started working somewhere else to earn his livelihood.

5. Learned APP for the State has vehemently opposed the prayer for grant of pre-arrest bail to the petitioner.

6. Having heard the rival submissions made on behalf of the parties, the petitioner is directed to file an affidavit to the extent that he will not indulge in crime in future and similar affidavit is also required to be filed by two respectable persons of the society, out of them one should be government employee, by making specific statement that they will be responsible for good conduct of the petitioner and will restrain the petitioner from committing any crime in future. The above condition is



required to be fulfilled within a period of four weeks from the date of communication of this order. Once such affidavits are filed before the District Court, the District Court is directed to release the petitioner on bail, in the event of his arrest or surrender before the Court below within a period of six weeks from today, on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned CJM, West Champaran, Bettiah in connection with Majhauriya P.S. Case No. 387 of 2022, subject to the condition as laid down under Section 438(2) of the Cr.P.C with further condition

7. The court below is directed to verify the criminal antecedent of the petitioner and if it is found that the petitioner is involved in some other cases as what has been stated in Para- 3 of the bail petition, this order will automatically lose its force.

8. The bail applications stands disposed of.

(Purnendu Singh, J)

mantreshwar/-

U		T	
---	--	---	--

