

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.67614 of 2024

Arising Out of PS. Case No.-131 Year-2024 Thana- BETTIAH CITY District- West
Champaran

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Babu Hussain Son of Abdul Lais R/O Vill.- Jaukatiya Madarsa Tola, P.S.-
Majhauriya, Dist.- West Champara. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

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Appearance :

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

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

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CORAM: HONOURABLE MR. JUSTICE S. B. PD. SINGH

ORAL ORDER

4 22-03-2025 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner is apprehending his arrest in connection with Bettiah Town P.S. Case No. 131 of 2024 for the offence under Sections 414, 419, 420, 467, 468 and 34 of the I.P.C. and Section 66D of the Information and Technology Act.

3. As per the prosecution story, the informant of this case being a police official has alleged that during the course of patrolling, he sensed something fishy near the A.T.M. of H.D.F.C. He apprehended one Ziyaul Haque on the spot. On enquiry, he disclosed the manner of withdrawing the cash amount from the A.T.M. by exchanging the A.T.M. cards of customers. He also disclosed the fact that one Babu Hussain was his accomplice who is a guard/watchman on the gate of the said A.T.M.



4. Learned counsel for the petitioner submits that the defence case of the petitioner is that he is an innocent man, who has falsely made accused in the case by the informant on the basis of disclosure of his name by co-accused Ziyaul Haque, who was apprehended by the police. Neither the petitioner was caught on the spot nor any incriminating substance has been recovered from his possession. Only material against the petitioner is that co-accused has disclosed his name before the police which is not admissible in the eye of law for accusation of the petitioner. In the F.I.R. itself, it is stated that one person was standing outside of the A.T.M. and on seeing the police force he succeed to flee from there that goes to show that the petitioner has been made accused in the case only on the basis of hypothetical reason for committing no offence. The petitioner has no any previous history for his involvement in any type of offence. In any event no case is made out under sections 414, 419, 420, 467, 468 and 34 of the Indian Penal Code and Section 66D of the Information Technology Act against the petitioner in absence of any cogent material. In the facts and circumstances mentioned above it may be submitted that this is a fit case for granting anticipatory bail to the petitioner.

5. Learned APP opposes the prayer for bail.



6. During the course of argument, learned counsel for the petitioner submits that this petitioner is not named in the F.I.R. rather his name has come in this case on the basis of confessional statement of co-accused Ziyaul Haque made before the police. Nothing incriminating has been recovered from his possession. Para 40 of the case diary speaks that the antecedent of the petitioner is clean. Keeping in view the aforesaid facts, this Court is inclined to extend him the privilege of anticipatory bail.

7. Let the petitioner be released on bail in the event of arrest or surrender within a period of four weeks from the receipt of this order, on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of like amount each to the satisfaction of learned Chief Judicial Magistrate, Bettiah, West Champaran in connection with Bettiah Town P.S. Case No. 131 of 2024 subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(S. B. Pd. Singh, J)

Ankit Kumar/-

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