

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.47159 of 2017

Arising Out of PS.Case No. -6 Year- 2017 Thana -HARSIDHI District-
EASTCHAMPARAN(MOTIHARI)

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Saddam Khan @ Saddam Khan Son of Jayum Khan, R/o Village- Jhadwai,
P.S.- Harshidhi, District- East Champaran.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Md. Shahnawaz Ali, Advocate

For the Opposite Party/s : APP

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL ORDER

2 17-10-2017 Heard learned counsel for the petitioner and learned APP for the State.

2. The petitioner is in custody since 06.02.2017 in connection with Harsiddhi P.S. Case No. 06 of 2017 for the alleged offences under Sections 395, 397 of the Indian Penal Code and Section 27 of the Arms Act.

3. It is submitted that the petitioner has been falsely implicated and he is not one of the named persons in the FIR. It is further submitted that the petitioner has been implicated on the confessional statement of one Talib Anwar who stated that the petitioner's Bolero vehicle bearing No. BR 05H 5154 had been used in the offence whereas, the FIR refers to a Marshal vehicle and not Bolero vehicle which casts serious doubt about the veracity of the accusations against the petitioner. The petitioner claims clean antecedents.

4. Be that as it may, having regard to the entirety of the facts and circumstances of the case, let the petitioner above named be released on bail on furnishing bail bond of Rs. 10,000/- (ten



thousand) with two sureties of like amount each to the satisfaction of learned Chief Judicial Magistrate, Motihari in connection with Harsiddhi P.S. Case No. 06 of 2017 on the following conditions:-

(i) That one of the bailors shall be a close relative of the petitioner.

(ii) That the petitioner shall not indulge in any similar offence till conclusion of the trial.

(iii) That the petitioner shall co-operate with the investigation, if not already concluded, and make himself available as and when so required and in case of failure, the State shall be at liberty to move for cancellation of bail.

(iv) That the petitioner shall remain physically present in Court on each and every date during trial and in the event of failure on two consecutive dates without sufficient reason, his bail bond shall be liable to be cancelled by the learned Court concerned.

(Vikash Jain, J)

Chandran/BT

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