

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.34125 of 2018

Arising Out of PS.Case No. -111 Year- 2018 Thana -GOPALGANJ TOWN District- GOPALGANJ

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Saddam Ali @ Fahim Ali, Son of Neyamat Ali, resident of Village Takiya Yakub, Police Station and District- Gopalganj.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Shivendra Kumar Sinha, Adv.

For the Opposite Party/s : Mr. Umesh Lal Verma, APP

For the Informant : Mr. Mukesh Kumar Singh, Adv.

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CORAM: HONOURABLE JUSTICE SMT. ANJANA MISHRA
ORAL ORDER

3 13-07-2018 Heard learned counsel for the petitioner and learned counsel for the State.

The petitioner is in custody since 07.03.2018 in connection with Gopalganj P.S. Case No. 111 of 2018 for the offence registered under Sections 414 of the Indian Penal Code and Section 25(1-b)a, 26 and 35 of the Arms Act.

Learned counsel for the petitioner submits that the present case has been lodged against the petitioner at the behest of one Masum Raza, who was himself an accused in a case and who in connivance with the police authorities manipulated lodging of the case. It is further submitted that the said Masum Raza is the maternal uncle of the wife of the petitioner and since he and his family had opposed the marriage, they have engineered the present case and the petitioner is languishing in jail. It is further



submitted that no such recovery was made from the conscious possession of the petitioner rather he was made to sign on a plain paper. The seizure list does not exhibit that it was recovered from the petitioner's person.

An application resisting the prayer for bail has been filed in Court today, which is duly sworn by one Masum Raza, who claims himself to be the victim but neither any vakalatnama is on record in this case nor his locus clearly stated. It further appears that the informant had reached the place of occurrence under some secret information and had arrested the petitioner. However, the arrest of the petitioner is from place known as "Moniachak", Gopalganj.

Learned counsel for the petitioner submits that it is a case which the said Masum Raza has set up the police to implicate him making false and mischievous allegation to wreck vengeance occasioned on account of the marriage of the petitioner, which had taken place earlier in the month of March, 2017.

Considering the aforesaid 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 the like amount each to the satisfaction of Chief Judicial Magistrate, Gopalganj in connection with Gopalganj P.S.



Case No. 111 of 2018, subject to the following conditions :-

(1) One of the bailors will be his own blood relative, preferably, father, mother, brother, sister and/or his wife.

(2) The petitioner shall not indulge himself in any similar offence till conclusion of the trial.

(3) The petitioner shall remain physically present in Court on each and every date during trial and in the event of his failure on two consecutive dates without sufficient reasons his bail bonds shall be liable to be cancelled by the learned Court concerned.

(4) 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.

(Anjana Mishra, J)

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