

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.383 of 2018

Arising Out of PS.Case No. -192 Year- 2016 Thana -RAMNAGAR District-
WESTCHAMPARAN(BETTIAH)

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Saddam Hussain @ Sadam Hussain son of Seikh Sanaullah @ Sanaullah @
Gona, resident of Village-Sabeya (Jogia), P.S. Ram Nagar, District-West
Champaran.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Baxi S.R.P. Sinha, Sr. Adv.
Mr. Vijay Kr Singh No. 1, Adv.

For the Opposite Party/s : Mr. Sri Nityanand, APP.

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 10-01-2018 Heard learned counsel for the petitioner and learned
APP for the State.

This is the 3rd round of litigation. Earlier bail application of the petitioner was rejected by this Court in Cr. Misc. No. 45337 of 2016 by order dated 26.11.2016 and Cr. Misc. No. 23298 of 2017 by order dated 05.07.2017 along with other three accused persons.

Petitioner is languishing in judicial custody since 19.08.2016 in connection with Sessions Trial No. 306 of 2017 arising out of Ramnagar P.S. Case No. 192 of 2016 for offences punishable under Sections 147, 148, 149, 341, 323, 307, 354, 504, 506 of the Indian Penal Code and Section 27 of the Arms Act and



subsequently Section 302 of the Indian Penal Code added.

The prosecution case is that co-accused Masum Raja, Sadre Alam @ Munna and Motiullah @ Guptee tried to outrage the modesty of one Johri Begum and her father-in-law S.K. Anwarul who came for her rescue was severely assaulted by the petitioner along with 12 other accused by Lathi, Danda and Khata. As a result, the father-in-law of the victim S.K. Anwarul died.

It has been submitted by the learned counsel for the petitioner that he is innocent and general and omnibus allegation has been levelled against all the accused persons including the petitioner. He submits that some of the accused persons have been granted the privilege of bail and the petitioner is in custody since nearly one and half years. He submits that other co-accused Masum Raja has been granted the privilege of bail by this Court in Cr. Misc. No. 61790 of 2017 on 20.12.2017 and that he undertakes to co-operate in the trial on day to day basis.

However, learned APP for the State opposes the prayer for bail.

Considering the facts and circumstances and the materials on record and the undertaking of the petitioner, let petitioner, above named, be enlarged on bail on furnishing bail bond of Rs.10,000/-(Ten Thousand) with two sureties of the like



amount each to the satisfaction of learned 2nd Additional Sessions Judge, Bagaha, District-West Champaran in connection with Sessions Trial No. 306 of 2017 arising out of Ramnagar P.S. Case No. 192 of 2016, subject to the conditions that:

- (1) One of the bailors would be a close relative of the petitioner having sufficient immovable property, who will file an affidavit stating his relationship with the petitioner.
- (2) Petitioner will appear before the learned court below during trial as and when required and failure to appear on two consecutive dates without assigning any reason will entail cancellation of his bail bonds.

(Nilu Agrawal, J)

Devendra/-

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