

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.31655 of 2018

Arising Out of PS.Case No. -26 Year- 2015 Thana -BHANGWANPUR HAT District- SIWAN

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Saddam Hussain, S/o Md. Sahid Mian, Resident of Village- Paniyadih, P.S.-
Bhagwanpur, District- Siwan.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Gajendra Kumar Singh

For the Opposite Party/s : Mr. Sri Narendra Kumar Singh

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

3 11-07-2018 Heard learned counsel for the petitioner and learned
APP for the State.

Petitioner had earlier approached this Court for bail
which was rejected vide order dated 02.11.2017 passed in Cr.
Misc. No. 39891 of 2017.

Petitioner is languishing in judicial custody since
15.02.2017 in connection with Sessions Trial No. 328 of 2017
arising out of Bhagwanpur Hat P.S. Case No. 26 of 2015 for
offences punishable under Sections 302/201/34 of the Indian Penal
Code.

The prosecution case, as lodged by the informant, is
that her son who had just come from Delhi went to watch a dance



show along with the petitioner and thereafter he was found brutally killed and body mutilated and naked in the field.

It has been submitted by the learned counsel for the petitioner that he is innocent, he had good relations with the informant's son and had gone for natural call along with informant's son thereafter he did not know the whereabouts of the informant's son and has been falsely implicated. He submits that there is no eye witness to the alleged occurrence and he is languishing in judicial custody since nearly one year five months. Petitioner undertakes to cooperate in the trial on day to day basis and not to tamper with the prosecution witnesses.

However, learned APP for the State opposes the prayer for bail stating therein that the informant's son was last seen with the petitioner.

Considering the facts and circumstances and the materials on record, 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 4th Additional Sessions Judge, Siwan in connection with Sessions Trial No. 328 of 2017 arising out of Bhagwanpur Hat P.S. Case No. 26 of 2015, 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)

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