

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26253 of 2019

Arising Out of PS. Case No.-544 Year-2018 Thana- KAJI MUHAMMADPUR District-
Muzaffarpur

MD. SADDAM (Male), aged about 20 years, Son of Late Md. Kuddus
Resident of Mohalla - Kasai Tola, Maripur, P.S.- Kazimohammadpur, District
- Muzaffarpur.

... .. Petitioner

Versus

THE STATE OF BIHAR

... .. Opposite Party

Appearance :

For the Petitioner : Mr.Chandra Shekhar Anand, Advocate.
For the Opposite Party : Mr.Arun Kumar Singh, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 23-04-2019 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner is languishing in custody since
11.01.2019 in a case for the offence registered under Sections
302, 201 and 120(B)/34 of the IPC.

The prosecution story, in brief, is that at about 7.30
P.M. on 25.12.2018 co-accused Ajay Patel phoned the informant
to send his brothers Sunny Patel and Tinku Singh before him
since Sonu, Khalid and this petitioner will participate at his
home to celebrate in eating and drinking on the eve of X-Mas
Day. Informant told his brother Sunny Patel that Ajay Patel had
called you and Tinku Singh to have feast at the house of Ajay
Patel. The informant's both brothers proceeded to the house of



Ajay Patel but they did not return home till next morning. He and his family members started search them and in course of that, it was heard that two unidentified dead bodies are lying near Railway Line at Mariur Railway Bridge. When informant and local police reached at the spot saw dead bodies and identified both the dead bodies to be that of Sunny Patel and Tinku Singh. The Rail Police also arrived at the spot. Ajay Patel, Sonu, Khalid and Saddam (petitioner) were on inimical term with Tinku Singh and Sunny Patel from before the occurrence and on the pretext of celebrating feast on the occasion of X-Mas, they hatched up a conspiracy called Tinku Singh and Sunny Patel and thereafter after murdering his brother Ajay Patel and Tinku kept the dead bodes at Railway Track to disappear the evidence.

It has been submitted by learned counsel for the petitioner that the petitioner has got no criminal antecedent. Charge sheet has been submitted in the present case. There is no allegation of tampering with the witnesses alleged against the petitioner. The petitioner has falsely been implicated in the present case. There is no eye witness to the alleged occurrence nor there is any circumstantial evidence to suggest the participation of the petitioner in the present case. The petitioner



has been made accused in the present case merely on the basis of suspicion. Other co-accused have been granted bail by another Co-ordinate Bench of this Court vide Cr. Misc. No. 23479 of 2019 order dated 11.04.2019 and Cr. Misc. No. 24508 of 2019 order dated 16.04.2019.

On behalf of the learned counsel for the State, it has been submitted that the petitioner is named in the F.I.R.

Considering the aforesaid facts and circumstances, let the petitioner above named, be released on bail on furnishing bail bonds of Rs.10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned A.C.J.M. Ist (East), Muzaffarpur, in connection with Kazimohammadpur P.S. Case No. 544 of 2018.

(Sudhir Singh, J)

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