

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29092 of 2020

Arising Out of PS. Case No.-47 Year-2016 Thana- SHERGHATI District- Gaya

Md. Saddam @ Saddam Hussain, Son of Md. Tayab Ansari @ Md. Tayeb,
Resident of Village- Baluri, P.S.- Hunterganj, District- Chatra.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shivendra Prasad, Advocate

For the Opposite Party/s : Mr. Ajay Kumar No.2, APP

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

3 26-11-2020 Since as of now the Courts have not resumed normal physical hearing, the matter has been listed today for consideration through video conferencing.

The learned counsels are appearing and making submissions from their residence. The Court Master and Secretary are also part of this virtual Court proceedings from their homes, all with the aid of audio visual technology.

Mr. Ajay Kumar No.2, learned APP is appearing for the State as it is submitted that the brief has been allotted to him by the office of Advocate General.

Heard learned counsel for the petitioner and the learned APP for the State.

The petitioner seeks bail in connection with Sherghati (Dobhi) P.S. Case No.47 of 2016 registered for the offence



punishable under Section 395 of the Indian Penal Code.

Six persons have allegedly intercepted the informant's truck carrying 333 bags of wheat. Four have brought down the informant and Khalasi from the truck and two have taken away the truck.

Petitioner's counsel submits that the petitioner is not named in the F.I.R and his name has been dragged in this case on the basis of confessional statement of co-accused, which has no evidentiary value. The petitioner's implication has led to no recovery. He has one criminal antecedents in Sherghati P.S. Case No.85 of 2016 in which he is on bail. He is in custody in connection with this case now since 24.02.2020. Similarly situated co-accused have been allowed bail in Cr.Misc. No.53730 of 2016, Cr.Misc. No.80639 of 2019 and Cr.Misc. No.79999 of 2019.

Learned APP for the State has opposed the prayer for bail.

Considering the rival submissions, this Court is inclined to allow the petitioner's prayer for bail.

Accordingly, 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 the learned A.C.J.M., Sherghati (Gaya), in connection with Sherghati (Dobhi) P.S. Case No.47 of 2016, subject to the following conditions:

- (i) That one of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailor will also undertake to inform the court if there is any change in the address of the petitioner.
- (ii) That the petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his bail bond will be liable to be cancelled.

This Court would expect that the petitioner's counsel would honour his undertaking in the instant proceedings regarding supply of the requisite court fee etc. within two weeks from the date he is called upon to do so by the office.

(Madhuresh Prasad, J)

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