

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35337 of 2020

Arising Out of PS. Case No.-263 Year-2014 Thana- BRAHMPURA District- Muzaffarpur

SAIYED SADAB ANWAR @ SADDAM @ SADAB ANWAR S/O Sayed
Saraj Anwar R/O Village - Milkhi Chowk, P.S. - Bahadurpur, District -
Darbhanga.

... .. Petitioner/s

Versus

THE STATE OF BIHAR Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Dilip Kumar Tandon, Advocate

For the Opposite Party/s : Mr. Nawal Kishore Prasad, A.P.P.

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 21-12-2020 Heard Mr. Dilip Kumar Tandon, learned counsel for

the petitioner and Mr. Nawal Kishore Prasad, learned Additional

Public Prosecutor appearing for the State through video

conferencing.

Petitioner seeks regular bail in connection with
Brahmapura P.S. Case No. 263 of 2014 registered for the
offences punishable under Sections 399, 402, 414 of the Indian
Penal Code 1860, Sections 25(1-b)a, 26 and 35 of the Arms Act.

The allegation as per the First Information Report is
that the Police got secret information that some miscreants have
assembled near Imli Chatti Chowk and were preparing for
committing crime, proceeded towards the place of occurrence
and upon seeing the Police Party, the accused persons started



fleeing away. However, the petitioner and other co-accused persons were arrested and from possession of the petitioner, one loaded country made pistol and Mobile phone were recovered.

Learned counsel for the petitioner submits that petitioner has not committed any offence in the manner alleged and he is having no criminal antecedent. The petitioner has falsely been implicated in this case with oblique motive. Learned counsel further submits that petitioner is in custody since 27.11.2014 i.e. for about more than six years and from perusal of the impugned order it appears that the charges have not yet been framed against the petitioner. Learned counsel also submits that other co-accused persons have been granted regular bail by co-ordinate Benches of this Court in Cr. Misc. 30649 of 2015, 35165 of 2015 and 7727 of 2016 respectively.

Having regard to the submissions made by the parties and taking into consideration the materials on record and the period of custody of the petitioner since 27.11.2014 i.e. for about more than six years, I am inclined to grant regular bail to the petitioner.

Accordingly, let the petitioner, above named, be released on regular bail on furnishing bail bonds of Rs.20,000/- (Twenty thousand) with two sureties of the like amount each to



the satisfaction of learned Chief Judicial Magistrate,
Muzaffarpur, in connection with Brahmapura P.S. Case No. 263
of 2014 subject to the following conditions:-

*(i) that one of the bailors shall be
resident of the territorial
jurisdiction of the court below. 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 in
the trial and if he fails to do so on
two consecutive dates, his bail
bonds will be liable to be
cancelled.*

It is made clear that at the time of furnishing bail
bonds all the parties shall follow the guidelines regarding social
distancing.

(Anil Kumar Sinha, J)

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