

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.36320 of 2020**

Arising Out of PS. Case No.-19 Year-2020 Thana- BALIYA District- Begusarai

MD. SADDAM son of Md. Sajjad @ Mohammad Sajjad Resident of Village-  
Naya Tola, Kasba, (Bari Ballia), P.S.- Ballia, District- Begusarai.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

|                      |   |                                   |
|----------------------|---|-----------------------------------|
| For the Petitioner/s | : | Mr.Sandip Kumar Gautam, Advocate  |
| For the State        | : | Mr. Satyadeo Singh Yadav, APP     |
| For the Informant    | : | Mr. Suresh Kumar Mishra, Advocate |

**CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD**  
**ORAL ORDER**

2      29-01-2021      Heard learned counsel for the petitioner, informant and  
the learned APP for the State.

Learned counsel for the petitioner is expected to honor his undertaking given in the instant case for depositing the requisite court fee and to remove the defects as pointed out by office when called upon.

The petitioner seeks bail in Ballia P S Case No 19 of 2020 instituted for the offence under Section 302 of the Indian Penal Code and Section 27 of the Arms Act.

The case of the prosecution is that informant's brother has been killed by co-accused Parvez. The cause of the killing is said to be illicit relation of the informant's brother with Parvez's wife.

The counsel for the petitioner submits that one day subsequent to the FIR, the informant has developed the story about the petitioner's involvement which due to its delay inspires no confidence. The allegation is of one gun shot injury by co-accused Parvez. In the investigation also only



one gun shot injury has been found on the deceased. Therefore, the petitioner's implication is palpably false. The petitioner is in custody since 02.03.2020. The petitioner bears a clean past.

The learned counsel for the informant and APP have opposed the prayer for bail. They have submitted that in the re-statement the informant has stated about the petitioner's involvement in the case.

The learned APP for the State opposed the prayer for bail.

Considering the aforesaid, 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 Chief Judicial Magistrate, Begusarai, in connection with Ballia PS Case No 19 of 2020, 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.

**(Madhuresh Prasad, J)**

shyambihari/-

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