

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.1585 of 2021

Arising Out of PS. Case No.-138 Year-2020 Thana- RUNISAIDPUR District- Sitamarhi

MD. SADDAM Son of Md. Hamid @ Mohammad Hamid Rain Resident of
Village - Rain Kharka, Ward No.8, P.s.- Runni Saidpur, Distt.- Sitamarhi.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Vijay Kumar

For the Opposite Party/s : Mr.Bishweshwar Ram

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 09-04-2021 Heard learned counsel for the petitioner and learned
A.P.P. for the State through virtual court proceeding.

The petitioner seeks bail in connection with Runni Saidpur P.S. Case No.138 of 2020 registered for the offence punishable under Sections 302, 307, 394 of the Indian Penal Code and 27 of the Arms Act. Later on section 120(B) and 412 of the IPC has been added.

As per the prosecution case, husband of the informant and one other person were going on motorcycle, when three accused persons came there and tried to snatch the bag of gold-silver jewellery from them. When they tried to save the bag, the accused persons shot gun fire to both of them, as a result of which, husband of the informant died in course of treatment.

It is submitted by learned counsel for the petitioner that



petitioner has been falsely implicated in this case and has not committed any offence as alleged in the FIR. He is neither named in the F.I.R. nor was apprehended on the spot. His name appeared in the case only on the basis of confessional statement of co-accused Vijay Sah, who has already been granted bail by a co-ordinate Bench of this Court vide order dated 25.03.2021 passed in Cr. Misc. No.34472 of 2020. It is further submitted that no T.I. parade has been conducted and no incriminating article has been recovered from the conscious physical possession of the petitioner. The petitioner has three criminal antecedent and has been languishing in custody since 09.06.2020.

Learned APP for the State opposed the bail petition.

Considering the facts aforesaid, the above named petitioner is directed to be enlarged on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned court below, where the case is pending, in connection with Runni Saidpur P.S. Case No.138 of 2020, subject to the following conditions:

(1) One of the bailors will be his own blood relative, preferably, father, mother, brother, sister and/or his wife.



(2) The petitioner shall not indulge himself in any similar offence till conclusion of the trial.

(3) The petitioner shall remain physically present in the court on each and every date during trial and in the event of failure on two consecutive dates without sufficient reasons, his bail bonds shall be liable to be cancelled by the learned court concerned.

(4) The petitioner shall co-operate with the investigation, if not already concluded and make himself available and when so required and in case of failure, the State shall be at liberty to move for cancellation of bail.

(Anjani Kumar Sharan, J)

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