

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9861 of 2021

Arising Out of PS. Case No.-349 Year-2020 Thana- SITAMARHI District- Sitamarhi

Md. Saddam, Male, aged about 28 years, Son of Md. Ibrahim @ Ibrahim
Resident of Village - Mehsaul Purbi, Ward No. 6, P.S.- Sitamarhi, District -
Sitamarhi.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mrs. Madhubala Verma

For the Opposite Party/s : Mr.Panchanand Pandit

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2. 25-06-2021 Heard learned counsel for the parties through video
conferencing.

The petitioner seeks bail in Sitamarhi P.S. Case No.
349 of 2020, registered for the offence under Sections 341, 323,
324, 307, 504, 302/34 of the Indian Penal Code.

As per the prosecution case, while the informant was
returning home on his motorcycle on 09.07.2020 and reached
near Mehsaul Bridge, it is alleged that on the order of co-
accused Md. Ibrahim, co-accused Md. Naushad inflicted *farsa*
blow on the head of informant and this petitioner is alleged to
have given spear blow on his head, as a result of which, the
informant sustained head injury and fell down. It is further
alleged that on *hulla*, informant's son namely Md. Chand



(deceased), Md. Aftab and nephew Md. Neyaj came to rescue informant, but accused persons also assaulted them. Accused Md. Naushad gave rod blow on the head of Md. Chand (deceased) with intention to kill, due to which, he (deceased) fell down and became unconscious. Thereafter, informant's son Md. Aftab came in rescue, who was assaulted by Md. Saddam (petitioner) with spear blow above his ear and co-accused Md. Shamsheer injured him with iron rod. The injured persons were thereafter taken to hospital, but during course of treatment, son of the informant namely Md. Chand died. The reason behind the alleged occurrence is altercation and exchange of hot talk between the parties.

It is submitted on behalf of petitioner that this petitioner is not assailant of the deceased. Petitioner is said to have assaulted informant and his son Aftab with spear. As per F.I.R., both informant and his son Aftab were assaulted by this petitioner and other co-accused, but only one injury has been found by Doctor on each of them. It is further submitted that co-accused Md. Jahangir has already been granted bail by this Court, vide order dated 16.04.2021 passed in Cr.Misc. No. 5852 of 2021. Petitioner claims clean antecedent and he is in custody since 07.11.2020.



Learned A.P.P. for the State has opposed the bail petition.

Considering the rival submissions of the parties and the materials available on record, the bail petition of petitioner is allowed. Let the above named petitioner 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 learned Chief Judicial Magistrate, Sitamarhi in connection with Sitamarhi P.S. Case No. 349 of 2020, on the following conditions:

“(1) Petitioner shall cooperate in the trial and shall be properly represented on each and every date fixed by the court below and shall remain physically present, as directed by the court below, and on his absence on two consecutive dates without sufficient reason, his bail-bond shall be cancelled by the court below.

(2) If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.”

(Prabhat Kumar Singh, J.)

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