

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28213 of 2022

Arising Out of PS. Case No.-132 Year-2020 Thana- MADANPUR District- Aurangabad

Md. Saddam @ Faiyaz, Male, aged about 25 years, S/o Alam Ansari Resident of Village - Khiriyawan, P.S. Madanpur, Distt.- Aurangabad.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner	:	Mr.Bachanjee Ojha, Adv
For the State	:	Ms. Meena Singh APP

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

5 24-08-2022 Heard learned counsel for the petitioner and learned counsel for the State.

Learned counsel for the petitioner is expected to honour 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 to do so by the office.

The petitioner seeks bail in Madanpur PS Case No. 132 of 2020, instituted for the offence punishable under Sections 304(B) and 306/34 of the Indian Penal Code.

On 08-09-2021, the petitioner's prayer for bail was earlier rejected having regard to the fact that he is husband facing prosecution in a case, wherein, allegation has been levelled, making out the ingredients under Section 304B of the Indian Penal Code.



Learned counsel for the petitioner submits that only Investigating Officer remains to be examined which is also evident from the report dated 22-07-2022 received from the learned trial Court, kept at Flag-R.

Petitioner's counsel has also enclosed the deposition of witnesses, including the informant, namely, Nesar Ahmad to submit that consistently they have all turned hostile at the trial. The petitioner is stated to be in custody since 06-07-2020 and a man of clean antecedent.

Having regard to the clean antecedent, and period of custody as also the fact that informant of the case has turned hostile at the trial, this Court, for the purposes of grant of bail, is inclined to accept the submissions advanced by the petitioner's counsel. Prayer for bail of the petitioner is allowed. 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 Sessions Judge-Aurangabad in connection with Sessions Trial No. 21 of 2021, arising out of Madanpur PS Case No. 132 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)

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