

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39647 of 2021

Arising Out of PS. Case No.-229 Year-2020 Thana- SAUR BAZAR District- Saharsa

MD. SADDAM Son of Md. Rustam @ Rustam Resident of Village- Rasalpur,
P.S.- Salkhua, District- Saharsa.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s :	Mr. Rajiv Roy, Sr. Advocate
	Mr. Ashok Kumar Mishra, Advocate
For the Opposite Party/s :	Dr.Mrityunjaya Kr.Gautam, APP

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

3 16-02-2022 Heard learned counsel for the parties through video conferencing.

The petitioner has preferred this application for grant of regular bail in a case registered under sections 302, 120B and 34 of the Indian Penal Code and section 27 of the Arms Act.

As per the prosecution case, the informant states that he received information about the murder of his son-in-law. He states that he is convinced that the five named accused persons including Md. Samsher as also this petitioner have killed his son-in-law as a result of a conspiracy.

It is submitted by learned senior counsel appearing for the petitioner that the petitioner has been falsely implicated in the case. An unfounded and baseless suspicion has been raised by the informant in the FIR. In course of investigation the



prosecution is relying on the confessional statement of Md. Saheb made before police. Even as per the said confessional statement the petitioner is not the assailant of the deceased. Md. Samsheer has also been named in the said confessional statement and as would be evident from the order of the learned trial Court, he has been enlarged on bail. The petitioner is in custody since 17.2.2021 and has no criminal antecedent.

Heard learned APP for the State.

Having heard learned counsel for the parties and taking into consideration the facts of the case, the material that has transpired in course of investigation including the confessional statement of co-accused Md. Saheb, the Court directs the petitioner to be enlarged on bail in connection with Sour Bazar P.S. Case no. 229 of 2020 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Saharsa.

(Partha Sarthy, J)

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