

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32254 of 2022

Arising Out of PS. Case No.-118 Year-2021 Thana- BUXAR INDUSTRIAL District- Buxar

Saddam Hasmi Son Of Avid Hasmi R/O- Village- Dhobi Muhalla, Bihia, P.S.-
Bihia Dist.- Bhojpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Bachan Jee Ojha, Advocate

For the Opposite Party/s : Mr.Ram Sevak Choudhary, A.PP

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 01-09-2022 Heard Mr. Bachan Jee Ojha, learned counsel appearing
on behalf of the petitioner and Mr. Ram Sevak Choudhary, learned
A.P.P. for the State.

Let the defect(s) be removed within two weeks of the
complete start of the physical Court in normal course.

The petitioner, who is in custody since 07.07.2021, seeks
regular bail in connection with Buxar (Ind) P.S. Case No. 118 of
2021, for the offence punishable under Sections 414 and 34 of the
Indian Penal Code.

As per the FIR, the Police Officer after receiving
information had reached the Parari where they saw some persons
sitting in two Scorpio vehicles, while others were loitering on the
road. As they saw the police, they tried to flee away where-after the
police successfully nabbed accused persons including the petitioner
herein. They were searched in the presence of independent witnesses.
From the two Scorpio vehicles, some ornaments were recovered.



Learned counsel appearing on behalf of the petitioner submits that petitioner has falsely been implicated in this case and on basis of confessional statement recorded in the police custody and subsequent to the same, mobile phone and other articles were recovered from other co-accused persons. It is further submitted that petitioner has been made accused in three other cases and in this regard specific statement has been made in Paragraph 3 of the bail application. Learned counsel further submitted that he has specifically stated in Paragraph 6 that mobile which was recovered, as mentioned in the FIR, belongs to the petitioner. Petitioner is in custody since 07.07.2021.

Shri Ajit Kumar appearing on behalf of the State has opposed the prayer for grant of bail to the petitioner.

Having heard the rival submissions of the parties, perused the F.I.R. and materials available on record, it appears that two vehicles were intercepted by the police and all the inmates were arrested, petitioner was amongst one of them. It is further submitted that similarly situated co-accused Mukesh Kumar and Deepak Kumar Gupta have already been granted bail by a co-ordinate Bench of this Court vide order dated 04.03.2022 passed in Cr. Misc. No. 52185 of 2021 and on 11.04.2022 passed in Cr. Misc. No. 57422 of 2021 respectively. Prima facie, the petitioner has made out a case to be released on bail.

Let the petitioner, above named, be enlarged on bail on



furnishing bail bond of Rs. 25,000/- (Rs. Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate 1st Class, Buxar in connection with Buxar (Ind) P.S. Case No. 118 of 2021, subject to the following conditions:-

(1) Bailors should be local having sufficient immovable property within the jurisdiction of the Court concerned.

(2) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court.

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

(4) If the petitioner is found involved in similar nature of offence, after his release on bail, the trial Court shall take steps to cancel his bail bonds.

(Purnendu Singh, J)

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