

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40549 of 2022

Arising Out of PS. Case No.-245 Year-2020 Thana- FORBESGANJ District- Araria

1. SADDAM @ SADDAM HUSEN Son of Md. Israfil Resident of Village - Ganjbhag, P.S.- Simraha, Distt.- Araria.
2. Sabind Khatoon @ Samina W/o Md. Israfil Resident of Village - Ganjbhag, P.S.- Simraha, Distt.- Araria.
3. Rukhsana Khatoon W/o Saddam @ Saddam Husen Resident of Village - Ganjbhag, P.S.- Simraha, Distt.- Araria.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sanjay Kumar Sharma, Advocate
For the Opposite Party/s : Mr. Manoj Kumar, A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 12-12-2022 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

Learned counsel for the petitioners is permitted to remove the defect(s), as pointed out by the office, if any, within a period of four weeks from today.

Learned counsel for the petitioners outrightly submits that he seeks permission to withdraw this application in respect of petitioner No. 1 namely, Saddam @ Saddam Husen.

Permission is accorded.

Accordingly, this application stands dismissed as withdrawn in respect of petitioner no 1 .



The petitioners (except petitioner no. 1) are apprehending their arrest in a case registered for the offences punishable under Sections 341, 323, 325, 332, 353, 188, 224, 225, 427, 379, 504 and 34 of the Indian Penal Code.

According to the prosecution case, both the petitioners got entangled with the police personnel who came to execute the warrant issued against Saddam and three others, in order to get release of the two arrested persons which ultimately led the accused persons flee away.

Learned counsel for the petitioners submits that the petitioners have clean antecedent and they have falsely been implicated in the present case. He further submits that it appears from the F.I.R. that there is general and omnibus allegation against these petitioners and there is specific allegation against the co-accused, namely, Saddam @ Saddam Husen. He further submits that there is no specific allegation of any overt act against these petitioners. He further submits that these petitioners are falsely been implicated in the present case on the ground that they are the family members of the co-accused person.

The learned counsel for the State has vehemently opposed the prayer for bail of the petitioners.



Considering the aforesaid facts and circumstances, let the petitioners, above named, in the event of their arrest or surrender before the court below within a period of thirty days from the date of receipt of the order, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Court below where the case is pending in connection with Forbesganj (Simraha) P.S. Case No. 245 of 2020, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure and with other following conditions:-

1. Petitioners shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the court and on their absence on two consecutive dates without sufficient reason, their bail bond shall be cancelled by the Court below.

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

3. And further condition that the court below shall verify the criminal antecedent of the petitioners and in case at any stage it is found that the petitioners have concealed his



criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioners. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

Vanisha/-

U		T	
---	--	---	--

