

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.51946 of 2021

Arising Out of PS. Case No.-310 Year-2020 Thana- JAGDISHPUR District- Bhojpur

Saddam @ Md Saddam Hussain Son of Md. Heshamuddin Resident of
Village - Bishen Tola, Ward No.12, P.s.- Jagdishpur, Distt.- Bhojpur.

... .. Petitioner/s

Versus

The State Of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Umesh Kumar Verma

For the Opposite Party/s : Mr. Anil Kumar, A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 30-03-2022 Heard learned counsel for the petitioner and learned
counsel for the Informant as well as learned Additional Public
Prosecutor for the State.

Let the defects, as pointed out by the office, be
removed within four weeks of start of normal functioning of the
physical court.

Petitioner seeks bail in a case registered for the
offences punishable under Sections 323, 324, 307, 302, 504/34
of the Indian Penal Code.

According to prosecution case, the main allegation is
that all the instigation of co-accused persons, this petitioner and
other co-accused namely Aamir assaulted at the head of
informant's father and the accused persons also assaulted the
informant and his brothers due to which they sustained head



injuries and in the alleged assaulting the accused persons used iron rod to assault the victims.

Learned counsel for the petitioner submits that petitioner has clean antecedent and he has 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 all the accused persons. He further submits that there is no specific allegation of overt-act against the petitioner. He further submits that similarly situated, co-accused, namely, Dablu has been granted bail by a co-ordinate Bench of this Court vide order dated 10.01.2022 passed in Cr. Misc. No. 38673 of 2021. The petitioner is in custody since 27.11.2020.

The learned counsel for the Informant and learned Additional Public Prosecutor has vehemently opposed the prayer for bail on the ground that the F.I.R. in two parts, first part there is general and omnibus allegation and second part there is direct allegation against the petitioner. Learned counsel for the informant submits that the allegation against co-accused Dablu is general and omnibus but the direct allegation is there against the petitioner.

Considering the aforesaid facts, I am not inclined to enlarge the petitioner on bail in connection with Jagdishpur P.S.



Case No. 310 of 2020 pending in the court of learned Additional
Chief Judicial Magistrate-I, Ara.

Prayer is refused.

(Rajesh Kumar Verma, J)

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