

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53363 of 2021**

Arising Out of PS. Case No.-356 Year-2017 Thana- HUSSAINGANJ District- Siwan

Saddam Alam @ Md. Saddam Alam Son of Ali Ahmad Resident Of Village-
Sawna, P.S- Baraharia, Dist- Siwan

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bijay Prakash Singh, Advocate

For the Opposite Party/s : Ms. Nirmala Kumari, APP

**CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER**

3 17-02-2022 Heard learned counsel for the petitioner and Smt. Nirmala Kumari, learned A.P.P. for the State through virtual court proceedings.

The petitioner seeks bail in connection with Session Trial No. 249 of 2018/619 of 2018 arising out of Hussainganj P.S. Case No. 356 of 2017 instituted for the offences under Sections 302 and 120(B) of the Indian Penal Code read with Section 27 of the Arms Act.

Learned counsel for the petitioner submits that the petitioner is in custody since 24.05.2018, charge-sheet has been submitted in the case and has antecedent of seven cases as mentioned in paragraph '3' of the bail application.

Learned counsel for the petitioner submits that the informant alleges that his father left with Raashan for his jail



duty, thereafter younger brother of the informant received a message that his father is lying on the road in front of the Topper's Coaching Centre, accordingly the informant along with his brother and neighbour reached the place of occurrence and took his father on jeep for treatment at Sadar Hospital, Siwan where doctor informed that he died due to gunshot shot injury.

Learned counsel for the petitioner submits that the F.I.R. was against unknown and the name of the petitioner transpired during the course of investigation wherein it has come that father of the informant while performing his jail duty had a dispute with this petitioner and he threatened to eliminate him and one Chandan Singh who was in jail with the petitioner had planned to eliminate the deceased, this fact was disclosed by co-accused Wazir Ahmad @ Wazir Ansari, further that Chandan Singh after being released from jail committed the occurrence. Learned counsel submits that apart from the confessional statement of the co-accused, there is nothing to connect the petitioner with the offence. It is further submitted that the similarly situated co-accused have been granted bail vide order dated 17.01.2019 in Cr. Misc. No. 79964 of 2018 (Tarkeshwar Singh @ Bittu Singh) and vide order dated



18.09.2019 in Cr. Misc. No. 34505 of 2019 (Azharudding Beg @ Azharudding Veg @ Laddan Miyan).

Learned A.P.P. for the State vehemently opposes the prayer for bail of the petitioner and submits that the petitioner is a veteran criminal and has antecedent of seven cases and from perusal of the report sent by the learned court below, in compliance of the order dated 18.01.2022, it would manifest that till date not a single witness has been examined on the account of the opposition of the accused persons. Learned A.P.P. submits that if the petitioner is allowed bail, then he may tamper with the evidence and threaten the informant not to participate in the trial.

Considering the fact that the petitioner is in custody since 24.05.2018, charges have been framed and his name transpired in the confessional statement of co-accused and co-accused have been granted bail, as aforesaid, let the petitioner above named be released on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of learned 3rd Additional District and Sessions Judge, Siwan in connection with Sessions Trial No. 249 of 2018/619 of 2018 arising out of Hussainganj P.S. Case No. 356 of 2017 with a condition that one of the bailor



shall be the father of the petitioner (Ali Ahmad). The petitioner shall be released after the evidence of the informant is recorded, further if the trial is delayed on account of the conduct of the petitioner, then the learned court below will be at liberty to cancel his bail bonds.

(Satyavrat Verma, J)

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