

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58870 of 2021

Arising Out of PS. Case No.-326 Year-2017 Thana- JAYNAGAR District- Madhubani

MD. SADDAM Son of Md. Husain Resident of Village - Islampur, P.S. -
Jaynagar, District - Madhubani

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ashok Kumar

For the Opposite Party/s : Mr.Ashok Kumar Singh

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

3 16-11-2022 Heard learned counsel appearing on behalf of the
petitioner and learned counsel appearing on behalf of the State.

Let the defect(s), if any, be removed within a period
of four weeks from today.

The petitioner seeks bail in connection with Jaynagar
P.S. Case No. 326 of 2017 registered for the offence under
Sections 394, 302, 120B of the Indian Penal Code and Section
27 of the Arms Act.

The accused/petitioner is not named in the F.I.R. and
is in custody since 31.12.2017.

The allegation against the petitioner is to commit
robbery and while committing so, fired upon the brother of
informant, causing his death and taken away cash of Rs.
3,00,000/-, belongs to brother of informant along with other co-



accused persons.

Learned counsel appearing on behalf of the petitioner submitted that petitioner has falsely been implicated in the present case and his name surfaced, during course of investigation on the basis of confessional statement of co-accused persons, namely, Shatrughan Thakur and Md. Arif, in further thereof no incriminating material surfaced to connect this petitioner, *prima facie*, with the present set of occurrence. It is further submitted that co-accused, namely, Shatrughan Thakur has already been granted bail by one of the learned co-ordinate Bench of this Court, through Cr. Misc. No. 27607 of 2019 dated 12.07.2019. It is further submitted that petitioner was not put on TIP, as yet. It is also submitted that petitioner is involved in 4 more criminal cases and in most of the cases he is involved on the basis of confessional statement of co-accused, as of present. While concluding the argument, it is submitted that investigation of this case has been completed, for which, charge-sheet has already been submitted, as such, there is no chance of tampering with the evidence.

Learned APP for the State, opposes the prayer of bail.

Considering the facts and circumstances as mentioned above, as nothing incriminating material surfaced/recovered,



during course of investigation, in furtherance of confessional statement of co-accused to connect this petitioner, *prima-facie*, with the present set of occurrence coupled with the fact that charge-sheet has already been submitted, let the petitioner, above named, is directed to be released on bail in connection with Jaynagar P.S. Case No. 326 of 2017, on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-X, Madhubani/concerned court, subject to the following conditions:

“(i) Accused/Petitioner shall cooperate in the trial and shall be physically present on each and every date before the Trial Court till conclusion of the trial and exemption from physical appearance be allowed by the Trial Court, only on medical ground of the petitioner duly supported by the documents.

(ii) That one of the bailors of the petitioner shall be deponent of the present bail petition.”

(Chandra Shekhar Jha, J)

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