

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.54519 of 2022

Arising Out of PS. Case No.-342 Year-2019 Thana- PIRBAHOR District- Patna

MD. SADDAM S/O SANNU MIYAN R/O VILLAGE- PAI BAIGHA,
DISTRICT- JEHANABAD, BIHAR

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Akash Keshav, Advocate

For the Opposite Party/s : Mr. Murli Dhar, APP

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

3 16-11-2022 Heard learned counsel for the petitioner and learned
counsel for the State.

The petitioner has renewed his prayer for bail in a case registered under sections 302 and 34 of the Indian Penal Code.

The earlier prayer for bail of the petitioner was rejected vide orders dated 19.2.2020 and 31.8.2021, Annexure-P/3 series.

As per the prosecution case, the accused persons including the petitioner herein are said to have stabbed their cousin Mumtaz while he was sleeping in the chicken shop. He was admitted in the emergency of the P.M.C.H where he died in course of treatment.

It is submitted by learned counsel for the petitioner



that the petitioner has been falsely implicated in the case. From perusal of the FIR itself it would transpire that the informant is not an eye-witness to the occurrence. There is no progress in the trial in the learned trial Court and the petitioner has remained in custody since 1.7.2019.

Heard learned Spl. PP for the State.

A report was called for from the learned trial Court. As per the report received contained in letter dated 3.11.2022 of the Additional District and Sessions Judge XXVI, Patna one witness has been examined on behalf of the prosecution and thereafter bailable warrants have been issued against the other witnesses.

Having heard learned counsel for the parties and taking into consideration the allegation in the FIR, the informant not being an eye witness to the occurrence, the petitioner having remained in custody since 1.7.2019 ie for 3 year 4 months and in view of the contents of the report received from the learned trial Court according to which bailable warrants have been issued for appearance of the prosecution witnesses, the petitioner is directed to be enlarged on bail in connection with Pirbahore P.S. Case no. 342 of 2019 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like



amount each to the satisfaction of the learned Chief Judicial
Magistrate, Patna Sadar.

(Partha Sarthy, J)

Prakash/-

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