

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.11702 of 2023

Arising Out of PS. Case No.-219 Year-2022 Thana- BALRAMPUR District- Katihar

MD. SADDAM HUSSAIN @ MD. SADDAM HUSAIN S/o Kaisar Jahan
R/o Village- Sabanpur, P.S.- Baliya Belon, Distt- Katihar.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Md. Helal Ahmad, Advocate
For the State	:	Mr. Ajay Kumar No.2, APP
For the O.P.2	:	Mr. Bimal Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

3 06-06-2023 Heard learned counsel for the petitioner, learned
counsel for the informant and learned APP for the State.

2. The petitioner seeks regular bail in connection with
Balrampur (Telta O.P.) P.S. Case No. 219 of 2022, lodged on
07.11.2022 under Sections 302 and 120B/34 of the Indian Penal
Code and Section 27 of the Arms Act.

3. As per the prosecution case, the present FIR has
been lodged against total 10 named accused persons and 5-6
unknown accused persons. The petitioner is not named in the
FIR.

4. Learned counsel for the petitioner submits that the
name of the petitioner has figured in this case in the
confessional statement of the petitioner himself which has been



taken by the police and the confessional statement before the police may not be relied upon. Learned counsel for the petitioner further submits that the antecedent of the petitioner is clean and he is in custody since 24.11.2022. It is further submitted that the other co-accused persons who are specifically named in this case have been granted regular bail by different co-ordinate Benches of this Court vide orders dated 19.04.2023, 23.05.2023 and 25.05.2023 passed in Criminal Miscellaneous No. 19897 of 2023, Criminal Miscellaneous No. 26778 of 2023 and Criminal Miscellaneous No. 26912 of 2023 respectively. Learned counsel for the petitioner further submits that in the confessional statement, the petitioner has confessed before the police that he has played the role of liner in this case.

5. Learned counsel for the State opposes the prayer for bail and submits that there are material against the petitioner in the case diary.

6. Learned counsel for the informant vehemently opposes the prayer for regular bail of the petitioner and submits that the petitioner has categorically stated before the police under Section 161 of the Code of Criminal Procedure that he has played the role of liner in this case. He further submits that it is the second attempt in which the accused persons became



successful in killing the deceased. In fact, it is a case of political rivalry. He further submits that on the basis of the material available in the case diary and the bail petition, the regular bail application of the petitioner is liable to be rejected.

7. In the present facts and circumstances of this case and the submissions made above, particularly, in view of the fact that the FIR named accused persons have been granted regular bail by different co-ordinate Benches of this Court, let the petitioner above named, be granted bail on furnishing bail bonds of Rs.30,000/- (Rupees Thirty thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-VI, Katihar in connection with Balrampur (Telta O.P.) P.S. Case No. 219/2022, subject to the conditions as laid down under Section 437(3) of Cr.P.C. with other following conditions:

8. With this observation, the bail application stands allowed.

(Dr. Anshuman, J)

Ashwini/-

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