

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20688 of 2023

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

Md. Saddam @ Saddam @ Md. Saddam Hussain @ Sadam S/O Md. Heshamuddin R/O Village- Bishen Tola, Ward No.-12, Jagdishpur, P.S- Jagdishpur, Distt.- Bhojpur.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Parmatma Singh, Advocate

For the Opposite Party/s : Mr. Rajiv Nayan, A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 26-04-2023 Heard learned counsel for the petitioner and learned Additional Public Prosecutor for the State.

Petitioner seeks bail, who is in custody since 26.11.2020 in connection with Jagdishpur P.S. Case No. 310 of 2020, F.I.R. dated 26.11.2020 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.



Earlier the bail petition of the petitioner was rejected vide order dated 30.03.2022 passed in Cr. Misc. No.51946 of 2021 and thereafter, the petitioner was again approached of this Hon'ble Court in Cr. Misc. No. 66528 of 2022 which was heard and withdrawn on 30.11.2022 with liberty to move afresh application before the learned Court below.

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 bare perusal of Annexure-4 of the bail petition it transpired that the informant has recorded his fardbeyan on 26.11.2020 at 6.30 A.M. in which the allegation against the petitioner is general and omnibus and thereafter, the informant filed the present F.I.R. on 26.11.2020 at 13.00 P.M. stating therein that there is specific allegation against the petitioner. He further submits that bare perusal of the F.I.R. and the Fardbeyan of the informant it appears that afterthought the informant has incorporated the name of the petitioner only to harass the petitioner. He further submits that similarly situated, co-accused, namely, Dablu has been granted bail by this Court vide order dated 10.01.2022 passed in Cr. Misc. No. 38673 of 2021 and another co-accused namely Md. Halim @ Md. Halim Mansuri has been granted bail



by a co-ordinate Bench of this Hon'ble Court vide order dated 13.07.2022 passed in Cr. Misc. No. 14298 of 2022 and other co-accused persons have also granted bail by different co-ordinate Bench of this Hon'ble Court. He further submits that the police after investigation submitted the charge sheet against the petitioner and the petitioner is in judicial custody since 26.11.2020.

The learned Additional Public Prosecutor for the State has vehemently opposed the prayer for bail of the petitioner.

Considering the aforesaid facts and circumstances as well as period of custody, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Sessions Judge-XIII, Bhojpur at Ara in connection with Jagdishpur P.S. Case No. 310 of 2020, subject to the following conditions:-

1. Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.



2. If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

3. And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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