

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22907 of 2023

Arising Out of PS. Case No.-619 Year-2022 Thana- SIWAN CITY District- Siwan

SADDAM HUSSAIN S/O- MASALUDDIN Village- Chhata Tola Hata Ps-
Hussainganj Dist- Siwan

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ajay Kumar Tiwary, Advocate
For the Opposite Party/s : Mr.Surendra Prasad Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

3 31-08-2023 Heard the parties.

The petitioner is in judicial custody in connection with Siwan Town P.S. Case No. 619 of 2022 for the offence punishable under Sections 341, 324, 307/34 Act lodged on 7.11.2022 by the informant, Md. Saddam.

As per the prosecution story, the allegation is that the informant alleged that he had come to work as labour at fruit market, Station Road, Siwan where the two accused persons namely Saddam Hussain (petitioner) and Saiyad Ali came and allegation is that Saddam Hussain gave a knife blow which resulted into injury in his abdomen. He was rushed to the Sadar Hospital, Siwan from where, the FIR was lodged.

It is the case of the petitioner that though there was some scuffle, there was no reason for the petitioner to assault



the informant, already suffered by being in custody since 8.11.2022 (para-14 of the petition) and do not have criminal antecedent.

On the last occasion, an earlier bench had called for the case diary on 17.5.2023 which has since been received.

Learned APP has gone through the injury report and submission is that the opinion was reserved.

Learned counsel for the petitioner submits that it clearly shows that the injury was not grievous.

In the that back ground, considering the submission put forward by the learned counsel for the petitioner, his period of custody as also that he do not have criminal antecedent, this Court is inclined to extend him the privilege of bail with conditions.

Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of like amount each to the satisfaction of learned Chief Judicial Magistrate, Siwan, in connection with Siwan Town P.S. Case No. 619 of 2022 subject to the following conditions:

(i) one of the bailor should be the family member of the petitioner who shall provide official document to show his bona fide;



(ii) the petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bond by the Trial Court itself;

(iii) the petitioner shall appear before the concerned police station every fortnight for next six months to mark his attendance;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(v) the petitioner shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of his bail bonds.

With the aforesaid observations, the bail application is allowed.

(Rajiv Roy, J)

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