

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23602 of 2023

Arising Out of PS. Case No.-161 Year-2021 Thana- DANAPUR District- Patna

MD. SADDAM HUSSAIN @ MD. SADDAM Son of Md. Arshaduddin @
Md. Arshad Hussain R/V- Sauna Chhoti Haveli P.O.- Danapur Cant. PS-
Danapur, Dist- Patna.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Pushpendra Priyedarshi, Advocate
Mr. Shankar Prasad Singh, Advocate
For the Opposite Party/s : Mr. Anam Akhter, Advocate

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

3 27-07-2023 Heard learned counsel appearing on behalf of the
petitioner and learned counsel appearing on behalf of the State.

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

3. The petitioner seeks bail in connection with
Danapur P.S. Case No. 161 of 2021 registered for the offence
under Sections 326, 307/34 of the Indian Penal Code and
Section 27 of the Arms Act.

4. The accused/petitioner is named in the F.I.R. and is
in custody since 15.10.2022.

5. The allegation against the petitioner is to open fire
upon the informant/injured alongwith other co-accused persons
out of previous enmities.



6. Learned counsel appearing on behalf of the petitioner submitted that prior to this occurrence, a case was lodged by petitioner's side which has been registered as Danapur P.S. Case No. 154 of 2021 against informant and others and to counter the said case, the present false case was lodged. It is further submitted that implication of this petitioner is only being son of named co-accused Md. Arshaduddin against whom the allegation of firing is specifically available. It is further submitted that younger brother of this petitioner also made co-accused in this case, namely, Md. Asif Hussain, who has already granted anticipatory bail by one of the learned co-ordinate Bench of this Court through Cr. Misc. No. 33802 of 2022 dated 24.11.2022. While concluding the argument, it is submitted that petitioner found involved in four more criminal cases, where he is on bail, and moreover, investigation of this case is completed, for which charge-sheet has been submitted, as such, there is no chance of tampering with the evidence.

7. Learned APP, opposes the prayer of bail.

8. Considering the facts and circumstances as mentioned above and by taking note of the fact as specific allegation of firing is available against co-accused Arshaduddin and not against this petitioner, coupled with the fact that charge-



sheet has already submitted, where petitioner is in custody since 04.04.2023, accordingly, petitioner above named, is directed to be released on bail in connection with Danapur P.S. Case No. 161 of 2021 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned A.C.J.M., Danapur, Patna/concerned Court, subject to the conditions as mentioned under Section 437(3) of the Cr.P.C.

(Chandra Shekhar Jha, J)

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