

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21630 of 2022**

Arising Out of PS. Case No.-31 Year-2021 Thana- GHOGHARDIHA District- Madhubani

MD.SADDAM SON OF MD. MOMTAZ R/O VILLAGE- AMAHI, P.S.-
GHOGHARDIHA, DISTRICT- MADHUBANI

... .. Petitioner/s

Versus

The State of Bihar BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Hriday Narayan Harshit

For the Opposite Party/s : Mr.Ajay Kumar Jha

**CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER**

4 10-01-2023 Let the defect(s), as pointed out by the office, be
removed within a period of four weeks from today.

Heard learned counsel for the petitioner and
learned A.P.P. for the State.

The petitioner seeks bail in connection with
Ghoghardiha P.S. Case No. 31 of 2021 corresponding to G.R.
No. 298 of 2021 registered for the offences punishable under
Sections 365 and 34 of the IPC and later on Section 302, 201
and 120(B) of the IPC.

As per prosecution case, petitioner and others are
alleged to have got the informant's sister disappeared.

Learned counsel for the petitioner submits that
petitioner is in custody since 20.08.2021 and bears no criminal
antecedent. Charge sheet has been submitted in the case and



there is no likelihood of tampering with the prosecution evidence. He further submits that petitioner is quite innocent and falsely implicated in the case as he is brother-in-law of the deceased victim. Petitioner is living separate mess and business to his brother co-accused Md. Nijam and sister-in-law Momina Khatun(deceased). He further submits that there is no eye witness to the alleged occurrence. There is no specific allegation attributed against the petitioner. Allegation against the petitioner is general and omnibus in nature. He further submits that co-accused Md. Momtaz and Shabrun Khatun on similar allegation have already been granted bail by co-ordinate bench of this Court as mentioned in annexure 2 of the bail petition.

The learned A.P.P. for the State vehemently opposes the prayer for bail of the petitioner.

Considering the facts and circumstances of the case, period of custody, keeping in view clean antecedent of petitioner, co-accused on similar allegation have already been granted bail by co-ordinate Bench of this court, petitioner being separate in mess and having no concern with affairs of the life of the deceased,charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence and also taking into consideration the material



available on record, let the petitioner above named be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate 1st Class, Jhanjharpur, Madhubani in connection with Ghoghardiha P.S. Case No. 31 of 2021 corresponding to G.R. No. 298 of 2021, subject to following conditions:-

(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has sworn the affidavit in bail application.

(ii) Petitioner will co-operate in trial and will remain present on all dates and absence for two consecutive dates without appropriate permission, would be a ground for cancellation of bail by the learned Trial court itself.

(iii) 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.

(Alok Kumar Pandey, J)

vashudha/-

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