

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36902 of 2023

Arising Out of PS. Case No.-385 Year-2021 Thana- UCHKAGAON District- Gopalganj

Saddam Nut Son Of Sarbuddin Nut @ Sarafudin Miyan Sabeya, Mirganj,
Gopalganj, District- Gopalganj

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Anirudh Kumar Verma Mr. Vyas Kumar Mishra, Advocates
For the State	:	Mr. Navin Kumar Pandey, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 13-09-2023 Heard learned counsel for the petitioner and learned
APP for the State.

2. Petitioner seeks bail, who is in custody since 14.12.2021, in connection with Uchkagaon P.S. Case No. 385 of 2021, F.I.R. dated 12.12.2021 registered for the offences punishable under Sections 307, 353, 412, 413, 414/34 of the Indian Penal Code and Sections 25(1-b)a, 26, 27, 35 of the Arms Act.

3. The prosecution case, in brief, is that the police party chased three persons on a motorcycle, who were going towards Bhuala through Jin Bazar and in the meanwhile the sound of one fire was also heard. It is alleged that all the three accused persons on a motorcycle were caught by the police



personnel including the petitioner and from possession of the petitioner one loaded pistol, mobile phone, cash of Rs. 5450/- and some ornaments kept in a bag as well as Hero Honda Plus motorcycle and one small mobile phone were recovered.

4. Learned counsel for the petitioner submits that the petitioner is innocent and he has been falsely implicated in the present case. He further submits that the allegation as alleged in the F.I.R. is false and fabricated and the petitioner has not committed any offence as alleged in the F.I.R. He further submits that the petitioner has been falsely implicated in the present case due to his previous criminal antecedent of the petitioner and there is no accusation of any assault or overt act attributed against the petitioner.

5. Learned APP for the State, on the other hand, vehemently opposed the prayer for bail of the petitioner and submits that there is direct and specific allegation against the petitioner and apart from the aforesaid the petitioner carries nineteen more cases other than the present one.

6. Vide order dated 02.08.2023 a report was called for with regard to the stage of the trial. Report dated 29.08.2023 of the learned Trial Court reveals that all the prosecution witnesses have already been examined except the Investigating



Officer and the informant.

7. Considering the aforesaid facts and circumstances of the case and in view of the report of the learned Trial Court, I am not inclined to enlarge the petitioner on bail in connection with Uchkagaon P.S. Case No. 385 of 2021 pending in the Court of learned District & Sessions Judge, Gopalganj.

8. Prayer is refused.

9. However, learned Trial Court is directed to expedite and conclude the trial at the earliest.

(Rajesh Kumar Verma, J)

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