

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39923 of 2023

Arising Out of PS. Case No.-145 Year-2022 Thana- SIKARPUR District- West Champaran

SK. SADDAM @ SHAIKH SADDAM @ SADDAM HUSSAIN, aged about 29 years, Male, SON OF SHAIKH KAMAL @ KAMALUDDIN RESIDENT OF VILLAGE- CHAND BARWA, PS- SATHI, DISTT- WEST CHAMPARAN

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sanjeev Kumar, Advocate

For the Opposite Party/s : Mr.Bishweshwar Ram, APP

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

- 2 17-07-2023 1. Heard learned counsel for the petitioner and the learned APP for the State.
2. Petitioner seeks regular bail in connection with Shikarpur P.S. Case No. 145 of 2022 dated 24.02.2022 registered for the offence(s) punishable under Section(s) 364/353/365/302/201/120B of the Indian Penal Code.
3. The main submissions advanced by the learned counsel for the petitioner are that admittedly the informant is not eye-witness of the alleged occurrence and he simply raised suspicion against this petitioner and co-accused Shekh Kaushar and Shekh Ijhar taking the victim with them to Kathmandu for the purpose of some work but the said allegation was levelled by the informant in the FIR due to village politics and after



realizing his mistake, he filed a protest petition (Annexure 2) before the Chief Judicial Magistrate in which he denied the allegation concerning to the petitioner and revealed his innocence in the alleged crime and co-accused Sheikh Ijhar who is carrying similar nature of allegation as per FIR, has been granted bail by a co-ordinate Bench of this Court vide order passed in Cr. Misc. No.55555 of 2022 and one co-accused Devendra mani Tiwary @ Bhaiyaji whose role in the alleged crime came into light during investigation as well as in the protest petition filed by the informant, has been granted anticipatory bail by a co-ordinate Bench of this Court vide order passed in Cr. Misc. No.34744 of 2022. Further submissions are that the petitioner has fair and clean antecedent and has been languishing in jail since 13.04.2023 and against him, the investigation has been completed and there is no direct allegation against him to connect him to the alleged crime. Further submission is that the FIR was lodged after the delay of twenty days from the commission of the alleged occurrence.

4. Learned APP appearing for the State has opposed the bail prayer.

5. Considering the above submissions and mainly the facts that in the protest petition (Annexure 2) filed by the



informant himself, no allegation was levelled by him against this petitioner and he stated that on account of village politics, he revealed the name of this petitioner as being involved in the alleged crime and he further revealed the innocence of this petitioner in the said protest petition and also taking into account the privilege of bail having been granted to co-accused person, namely, Sheikh Ijhar, who is carrying similar nature of allegation as per FIR, by a co-ordinate Bench of this Court, in my opinion, it is a fit case for bail to the petitioner. Accordingly, let the petitioner named-above be enlarged on bail in connection with Shikarpur P.S. Case No. 145 of 2022 on furnishing bail bond of Rs.10,000/-(Ten Thousand) with two sureties of the like amount each to the satisfaction of the Court concerned.

(Shailendra Singh, J)

Sanjay/-

U		T	
---	--	---	--

