

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.52265 of 2022

Arising Out of PS. Case No.-452 Year-2021 Thana- ALAMGANJ District- Patna

MD. SADDAM @ MD. TOUSIF S/O MD. KOUSAR @ MD. ARSHAD
Resident of Pathan Toli, Kallu ka Dhaba ke Makan ka Kirayadar, P.S.-
Alamganj, District- Patna.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Raj Krishna Jha, Adv.
For the Opposite Party/s : Mr. Zainul Abedin, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 23-02-2023 Heard learned counsel for the petitioner and the
learned A.P.P. for the State.

The petitioner seeks bail in a case registered for the
offence under Sections 302, 120(B) and 34 of the Indian Penal
Code.

According to the F.I.R., the co-accused, Md. Mutahir
gave gun shot injury and the petitioner is alleged to have given
dagger blow upon the brother of the informant resultantly he
succumbed from injuries in the hospital.

Learned counsel appearing for the petitioner submits
that the petitioner is innocent and has falsely been implicated in
this case. He further submits that the informant is not the eye
witness to the alleged occurrence and the name of this petitioner
transpired in this case on the basis of suspicion only. Nothing



incriminating as alleged in the F.I.R. has been recovered from the possession of the petitioner. He further submits that the police after investigation has submitted charge-sheet in this case against the petitioner. The petitioner is rotting in judicial custody since 02.08.2022.

Learned A.P.P. for the State on the other hand on the basis of material available on record and the case diary vehemently opposed the prayer for bail of the petitioner and submits that on the statement of the petitioner himself, the dagger from which injury was caused to the deceased has been recovered. The confession leading to recovery creates the chain circumstance to the alleged occurrence ensuring the involvement of the petitioner in the alleged offence. The postmortem report also support the allegation levelled against the petitioner.

Considering the facts and circumstances of the case, this Court is not inclined to grant bail to the petitioner. Accordingly, the prayer for bail of this petitioner is refused.

(Rajesh Kumar Verma, J)

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