

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.56836 of 2023

Arising Out of PS. Case No.-631 Year-2021 Thana- KHAJANCHI HAT District- Purnia

SADDAM @ SADDAM HUSSAIN @ MD. SADDAM HUSSAIN
MUZAFFAR IMAM Village- Rajabari Ps- K.Hat Sahayak Dist- Purnea
... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Raj Kumar, Advocate
For the Opposite Party/s : Mr. Binod Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

3 24-11-2023 Heard the parties.

2. The petitioner is in custody in connection with K. Hat (Sahayak) P.S. Case No. 631 of 2021 for the offence under Sections 447, 147, 148, 149, 341, 323, 307, 387 and 506 of the Indian Penal Code and section 27 of the Arms Act lodged on 13.07.2021 by the informant, Md. Hadish.

3. As per the FIR, the informant alleged that earlier the accused persons threatened his son and demanded '*rangdari*', of Rs. 20,00,000/-. On 13.07.2021, when he was near his plot, it is alleged that the named accused persons and 3-4 unknown accuseds came to his place, surrounded his son and thereafter after saying that neither you people have vacated the plot nor paid any '*rangdari*' started firing on his son. The allegation both against Jain Raja and the petitioner is of indiscriminate firing which hit the stomach and the chest of his



son. He was immediately rushed to the Sadar Hospital from where he was brought to Max Hospital where he was being taken care of.

4. Earlier the case of the petitioner was heard and rejected on 22.07.2022 in Cr. Misc. No. 17564 of 2022.

5. Again, a fresh application has been preferred whereafter a report was called for, which has since been received vide Letter no. 948 dated 04.10.2023 according to which the case has been committed on 02.09.2023 and is pending on the point of charge and framing of charge.

6. Taking into account the aforesaid fact as also that the petitioner has remained in custody since 24.11.2021 (as stated in paragraph 4 of the petition), it would be appropriate that the petitioner is released on bail after framing of the charges.

7. Let the petitioner be released on bail after framing of the charges on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of like amount each to the satisfaction of learned Chief Judicial Magistrate, Purnea in connection with K. Hat (Sahayak) P.S. Case No. 631 of 2022 subject to the following conditions:

(i) one of the bailor should be the family member of



the petitioner who shall provide official document to show his bona fide;

(ii) the petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bond by the Trial Court itself;

(iii) the petitioner shall appear before the concerned police station every month till the conclusion of the trial to mark his attendance;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(v) the petitioner shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of his bail bonds.

8. With the aforesaid observations, the bail application is allowed.

(Rajiv Roy, J)

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