

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.56815 of 2022

Arising Out of PS. Case No.-888 Year-2021 Thana- SASARAM NAGAR District- Rohtas

AMJAD GADDI S/o Ibrahim Gaddi R/o Vill- Sagar (Alamganj), P.O. and
P.S.- Sasaram, Distt- Rohtas (Bihar).

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sanjay Kumar Tiwary

For the Opposite Party/s : Mr.Anand Kishore Choudhary

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

3 25-01-2023 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 Sasaram
Town P.S. Case No. 888 of 2021 registered for the offences
punishable under Sections 302/34 of the Indian Penal Code and
Section 27 of the Arms Act.

As per prosecution case, co-accused Jagan Sonkar and
two unknown persons shot dead the informant's brother.

Learned counsel for the petitioner submits that
petitioner is in custody since 09.11.2021. Petitioner bears no
criminal antecedent. Charge-sheet has already been submitted
and there is no likelihood of tampering with the prosecution



evidence. Learned counsel further submits that the petitioner is not named in the F.I.R. The name of present petitioner has transpired in this case on the basis of re-statement of informant which is an afterthought of the informant. Petitioner is quite innocent and has committed no offence as alleged in the F.I.R. Petitioner has falsely implicated in this case. The petitioner is not the assailant of the deceased. There is no specific overt-act against the present petitioner.

The learned A.P.P. for the State vehemently opposes the prayer for bail of the petitioner by referring para 6 of the case diary in which it is mentioned that petitioner has caught hold the hand of the deceased.

Considering the facts and circumstances of the case as well as period of custody, petitioner is not named in the F.I.R., charge-sheet has already been submitted and there is no likelihood of tampering with the prosecution evidence, keeping in view clean antecedent of the petitioner, argument advanced on behalf of the parties 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 Chief Judicial Magistrate, Sasaram at



Rohtas in connection with Sasaram Town P.S. Case No. 888 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)

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