

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.61908 of 2022

Arising Out of PS. Case No.-756 Year-2020 Thana- MUFFASIL District- West Champaran

Saddam Ansari @ Saddam Hussian @ Addam Hussain S/o Bhikho Miyan @
Jokhu Miyan R/o village- Badhaiya (Badhai) Tola, Auraiya, P.S.-Muffasil
(Banu Chapar OP), Distt- West Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Samrendra Kumar Jha, Adv.

For the Opposite Party/s : Mr. Md. Anbzarul Haque Sahara, APP.

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

2 23-02-2023 Let the defects, if any, pointed out by the office be removed within three weeks from the date of this order, failing which the matter be listed again under the appropriate heading for necessary action.

Heard learned counsel for the petitioner and the learned APP for the State.

Petitioner seeks regular bail in connection with S.Tr. No. 535/2022, arising out of Muffasil (Banuchhappar O.P.) P.S. Case No. 756/2020 registered for the offences punishable under Sections 399 and 402 of the Indian Penal Code and 25(1-b)a, 26 and 35 of Arms Act.

As per the prosecution, the informant along with some other police personnel acting upon a secret information

apprehended two co-accused persons namely Dilshad Ansari and Sumit Kumar with one country-made pistol, two live cartridges and one knife while they were brandishing fire-arms on the occasion of marriage ceremony to create fear among the people and five co-accused persons managed to flee away. It is further alleged that this petitioner has been arrested on the basis of confessional statement of one co-accused namely Dilshad Ansari.

The main submissions advanced by learned counsel Mr. Samrendra Kumar Jha appearing for the petitioner are that as per the prosecution's story the petitioner and co-accused persons were alleged to have brandished the fire-arms on the occasion of marriage ceremony and the object of the co-accused persons including the petitioner was to create fear among the people but thereafter two co-accused persons were arrested namely Dilshad Ansari and Sumit Kumar. Further, the petitioner was not arrested at the spot and the arrested co-accused namely Dilshad Ansari from whose possession a loaded country-made pistol was recovered, revealed the name of this petitioner being involved in brandishing the fire-arms at the occasion of marriage ceremony and the said co-accused Dilshad Ansair has been granted bail by a co-ordinate Bench of this Court vide

order dated 16.12.2021 passed in Cr. Misc. No. 41523/2021. Further submission is that the petitioner has been languishing in jail since 08.02.2022 and the petitioner was remanded in the present matter from Gopalpur P.S. Case No. 92/2020 and he was implicated in the present matter due to previous enmity with the co-accused Dilshad Ansari.

Learned APP Mr. Md. Anbzarul Haque Sahara appearing for the State has opposed the bail prayer.

In view of the facts, as stated above, this Court is inclined to accept the petitioner's bail prayer. Accordingly, let the petitioner named-above be enlarged on bail 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 in connection with S.Tr. No. 535/2022, arising out of Muffasil (Banuchhapar O.P.) P.S. Case No. 756/2020.

(Shailendra Singh, J)

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