

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.65367 of 2022

Arising Out of PS. Case No.-455 Year-2021 Thana- SIWAN CITY District- Siwan

Saif Ali @ Saif Ali Kha S/O Anwar Hussain R/O Purani Quila, P.S.- Siwan
Town, Distt- Siwan.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Satyendra Rai, Advocate

For the Opposite Party/s : Mr. Ram Bilash Roy Raman, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 13-03-2023 Heard learned counsel appearing on behalf of the
petitioner and learned counsel appearing on behalf of the State.

Let the defect(s), if any, be removed within a period
of four weeks from today.

The petitioner seeks bail in connection with Siwan
Town P.S. Case No. 455 of 2021 registered for the offence under
Sections 394 and 302 of the Indian Penal Code.

The accused/petitioner is not named in the F.I.R. and
is in custody since 23.06.2022.

As per the case of prosecution, the dead body of the
husband of the informant found near Reliance Digital at
Babunia Station Road, where murder was appeared to be caused
by using sharp cut weapons, consequent upon, the present F.I.R.
was lodged against unknown persons.



Learned counsel appearing on behalf of the petitioner submitted that the petitioner was falsely implicated in present case without having any connecting evidence. It is further submitted that the name of petitioner surfaced on the basis of confessional statement of co-accused, namely, Taufique Alam, in furtherance of which no incriminating material recovered/surfaced during the course of investigation, which may connect petitioner, *prima facie*, with present occurrence of robbery/murder. It is also submitted that said co-accused Taufique Alam has already been granted bail by one of the learned Co-ordinate Bench of this Court through Cr. Misc. No. 55267 of 2022 vide order dated 11.01.2023. While concluding the argument, it has been submitted that petitioner was remanded in two cases, subsequent to apprehending in present case on the basis of self confession and moreover, investigation of this case is completed, for which charge-sheet has been submitted, as such, there is no chance of tampering with the evidence.

Learned APP, opposes the prayer of bail.

Considering the facts and circumstances as mentioned above, as no incriminating material recovered/surfaced during the course of investigation in furtherance of confessional



statement to connect petitioner, *prima facie*, with present occurrence of robbery/murder, coupled with the fact that charge-sheet has been submitted, let the petitioner, above named, is directed to be released on bail in connection with Siwan Town P.S. Case No. 455 of 2021 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned C.J.M., Siwan/concerned Court, subject to the conditions as mentioned under Section 437(3) of the Cr.P.C.

(Chandra Shekhar Jha, J)

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