

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.7356 of 2024

Arising Out of PS. Case No.-278 Year-2023 Thana- DALSINGHSARAI District- Samastipur

Md Saddam @ Md Sarfe Alam Son of Md. Shabeer Resident of Village-
Rahimpur Rudauli Tole Bande, P.S.-Samastipur Town, Distt.-Samastipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Mahendra Pratap, Adv.

For the Opposite Party/s : Mr. Shyameshwar Dayal, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 17-02-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks regular bail in connection with
Dalsinghsarai P.S. Case No. 278 of 2023, lodged on 10.07.2023
under Sections 392 of the Indian Penal Code and later on added
sections 395, 397, 412 of the IPC read with section 27 of the
Arms Act.

3. As per the prosecution case, FIR has been lodged
against unknown accused persons against whom there is an
allegation of commission of robbery in the FIR.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and has committed no offence. Counsel
also submits that FIR has been lodged under section 392 of the
IPC, but after investigation, charge-sheet has been submitted by



converting the sections 395, 397, 412 of the IPC read with section 27 of the Arms Act. Counsel further submits that the name of the petitioner has been figured in this case only by virtue of statement of the co-accused, but in the rejection order, it has come that the looted scooty was recovered from the house of the petitioner and therefore, charge-sheet has been submitted against the petitioner. Counsel further submits that the antecedent of the petitioner is not clean and there is only one criminal case pending against him in which he is on bail. The petitioner is in custody since 23.08.2023 in the present case.

5. Learned counsel for the petitioner submits that this Hon'ble Court and other co-ordinate bench of this Court has granted bail to the other co-accused persons *vide* order dated 19.12.2023 and 24.01.2024 passed in Cr. Misc. Nos. 82250 of 2023, 1995 of 2024 and 1621 of 2024 respectively.

6. Learned APP for the State opposes the prayer for bail of the petitioner and submits that the looted scooty has been recovered from the house of the petitioner.

7. Upon specific query of the Court from the counsel for petitioner that whether charge has been framed in this case or not, counsel submits that as per his knowledge, charge has not been framed in this case.



8. In the present facts and circumstances of this case and the submissions made above, **let the petitioner above named be granted bail, but only after framing of charge, if not framed** on furnishing bail bonds of Rs.30,000/- (Rupees Thirty thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate 1st Class, Dalsinghsarai, Samastipur in connection with Dalsinghsarai P.S. Case No. 278 of 2023, subject to the conditions as laid down U/s 437(3) Cr.P.C.

9. However, the petitioner shall be granted bail only after on satisfaction of Trial Court that the petitioner is not absconding in any of the cases pending against him whose details are as follows:-

(I)- Dalsinghsarai P.S. Case No. 288 of 2023.

(Dr. Anshuman, J.)

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