

IN THE HIGH COURT OF JUDICATURE AT PATNA

CRIMINAL MISCELLANEOUS No.14024 of 2024

Arising Out of PS. Case No.-313 Year-2021 Thana- MASHRAK District- Saran

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SADAM HUSSAIN @ SADAM (Mentioned at serial No.2 of the formal F.I.R.), male, aged about 31 years, SON OF LATE MD. ISLAM R/O- CHAND KUDARIYA, P.S.-MASHRAKH, DISTT.-SARAN

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Ram Sandesh Roy, Advocate
For the Opposite Party/s : Mr.Anil Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH

ORAL ORDER

3 16-04-2024 Heard Mr. Ram Sandesh Roy, learned counsel appearing on behalf of the petitioner and Mr. Anil Kumar, learned APP for the State.

2. The petitioner seeks pre-arrest bail in connection with Mashrakh P.S. Case No. 313 of 2021 registered for the offence(s) punishable under Sections 323, 324, 307, 379 and 34 of the Indian Penal Code.

3. As per the allegation made in the FIR, the accused persons named therein including the petitioner has assaulted the son of the informant, as a result of which, he sustained multiple



injuries.

4. Learned counsel appearing on behalf of the petitioner submitted that petitioner has raised his objection with respect to the identity of the accused, who has been alleged in the FIR and he is resident of different village and he is not concerned in any manner with the allegation and the incident which has taken place, as narrated in the FIR.

5. Learned APP for the State vehemently opposed the prayer for grant of pre-arrest bail and submitted that five sharp cut injuries were found on the body of the son of the informant including the neck and abdomen and offence is serious in nature and, as such, petitioner don't deserve to be released on bail.

6. Considering the nature of allegation made in the FIR, as well as, the fact that multiple injuries have been sustained on the body of the son of the informant, I am not inclined to enlarge the petitioner on pre-arrest bail. Accordingly, the present bail application is dismissed.

7. However, the petitioner, if so desire, may surrender before the District Court for seeking regular bail. In that case, considering the fact that petitioner has denied that he is not the same Saddam, who had committed the offence, as narrated in the FIR, the District Court may verify the identity of the



petitioner and if it is found that the petitioner is not the real
accused, then he may pass appropriate order in accordance with
law.

(Purnendu Singh, J)

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