

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23746 of 2024

Arising Out of PS. Case No.-345 Year-2023 Thana- JAYNAGAR District- Madhubani

MD. SADDAM @ CHOTU SON OF MD. SABIR RESIDENT OF
VILLAGE- BHELWA TOL, PS- JAYNAGAR, DIST- MADHUBANI

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Manoj Kumar Pandey, Adv.
For the Opposite Party/s : Mr.Raj Ballabh Singh, APP

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

5 12-07-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks bail in connection with Jaynagar P.S. Case No. 345 of 2023 registered for the offences punishable under Sections 399/ 402 of the Indian Penal Code and section 25(1-b)(a),26,35 of the Arms Act.

3. As per prosecution case, there is alleged recovery of one country made pistol loaded with 5 round cartridges along with two live cartridges and one iphone from the petitioner.

4. Learned counsel for the petitioner submits that he has filed a supplementary affidavit in which it is stated that out of the eight cases lodged against him, the petitioner has been acquitted in two cases and in other remaining cases he is on bail.

Petitioner has not committed any offence as alleged in the first information report. He has been falsely implicated in one case after another without any basis. Petitioner is in custody since 19.08.2023. Charge-sheet has already been submitted in this case and there is no likelihood of tampering with the prosecution evidence. It is further submitted that co-accused Binod Yadav and Badal Kumar @ Badal Paswan have already been granted bail by this Court vide order dated 10.01.2024 passed in Cr. Misc. No. 83132 of 2023 and the case of the present petitioner stands more or less on similar footing. Hence the petitioner deserves to be granted bail.

5. The learned A.P.P. for the State vehemently opposes the prayer for bail of the petitioner.

6. Considering the facts and circumstances of the case, period of custody, charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence, argument advanced on behalf of both sides and also taking into consideration the fact that similarly situated co-accused has been granted bail by this Court, let the petitioner above named be released on bail on furnishing bail bond of Rs. 25,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of Additional

Sessions Judge III-cum-Special Judge, Excise, Madhubani in connection with Jaynagar P.S. Case No. 345 nof 2023, 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 tamper 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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