

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.57198 of 2023

Arising Out of PS. Case No.-413 Year-2022 Thana- KHAIRA District- Saran

Saddam Hussain @ Sadam Hussain Son Of Md. Shamim Alam @ Md. Shamim @ Mohammad Shamim Resident Of Village- Chhota Takiya, Ps-Khaira, Distt- Saran At Chapra

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Dewendra Narayan Singh, Advocate
For the Opposite Party/s : Mr.Bharat Lal, APP
For the Informant : Mr. Krishna Kr. Yadav, Advocate

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

6 27-02-2024 Heard learned counsel for the petitioner, learned counsel for the informant and learned A.P.P. for the State.

2. The petitioner seeks regular bail in connection with Khaira P.S. Case No. 413/2022, lodged on 13.11.2022 under Sections 302/34 of the Indian Penal Code.

3. As per the prosecution case, the FIR has been lodged against 8 named accused persons including the present petitioner against whom there is a specific allegation that he attacked the informant's father near his chest.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence. The injury report is attached as Annexure -2 which suggests only one internal injury and the cause of death has been opined as due to



internal bleeding and shock. He further submits that the FIR shows two injuries on the body whereas the post-mortem report shows only one injury. The petitioner is in custody since 14.11.2022 having a clean antecedent.

5. Learned counsel for the informant vehemently opposes the prayer for bail of the petitioner and submits that the charge has already been framed and evidence is being adduced and the enquiry is likely to be concluded very soon.

6. Learned counsel for the State opposes the prayer for bail and placed Annexure-2 which is a post-mortem report and on the basis of same, he submits that the injury shown in the post-mortem report supports the FIR. According to FIR, two injuries and according to post - mortem also two injuries have been found. One is external and one is internal.

7. This Court vide order dated 29.01.2024 called for a report with regard to the stage of the trial. The report has come and suggests the trial is likely to be concluded within a period of twelve months.

8. In the present facts and circumstances, I am not inclined to grant regular bail to the petitioner at present.

8. Accordingly, the prayer for regular bail of the petitioner in connection with Khaira P.S. Case No. 413/2022,



pending before the learned JM 1st Class, Saran at Chapra is
hereby rejected.

(Dr. Anshuman, J)

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