

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.54712 of 2024

Arising Out of PS. Case No.-143 Year-2024 Thana- CHIRAIYA District- East Champaran

Saddam Sheikh Son of Late Hazi Sheikh Nazir Resident of Village - Barwa
Tola, P.S. - Bairginiya, District - Sitamarhi.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Anil Kumar, APP

For the Opposite Party/s : Mr. Bhanu Pratap Singh, APP

**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

3 29-10-2024 Heard learned counsel for the petitioner and learned APP
for the State. Perused the case diary.

2. The petitioner seeks bail in connection with
Chiraiya P.S. Case No. 143 of 2024 instituted for the offence
under Section 392 of the Indian Penal Code.

3. Prosecution case in short is that informant was
accosted with one unknown miscreants who has looted Rs.
42,802/-, while he was returning after collecting the amount
from the customers.

4. It has been submitted on behalf of the petitioner
that the petitioner is in custody since 08-04-2024. Petitioner
bears five criminal antecedents, as per disclosure made in
paragraph No. 3 of the bail application.



5. It has been further submitted by the petitioner's counsel that petitioner has been falsely implicated in the present case. Petitioner is not named in the FIR. Name of the petitioner transpired in this case during course of investigation when the informant himself identified the accused-petitioner. Whereafter on search, it is alleged that Rs. 35,350/-, two mobile phones and one pistol were recovered from the possession of the petitioner. It is next submitted that recovery of arms is planted and the money recovered belongs to the petitioner. There is no compliance of section 100 of the Cr.P.C. It is lastly submitted that police after investigation has submitted charge sheet in this case.

6. Learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner. It is submitted by referring to paragraph Nos. 14 & 36 of the case diary that petitioner has himself confessed his guilt.

7. Considering the aforesaid facts and circumstances of the case, period of custody of the petitioner and charge sheet being submitted, this Court is inclined to grant bail to the petitioner.

8. Let the petitioner be released on bail, *after framing of charge, if not already framed*, on furnishing bail



bonds of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Chiraiya P.S. Case No. 143 of 2024, subject to the following conditions:

(I) One of the bailors shall be own/close member of the family of the petitioner.

(II) The petitioner shall appear on each and every date fixed at the trial. In case of default in such appearance on two consecutive dates, the Trial Court will have liberty to cancel the bail bonds of the petitioner.

(Rudra Prakash Mishra, J)

Raj Kishore/-

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