

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.929 of 2024

Arising Out of PS. Case No.-351 Year-2023 Thana- JOGAPATTI District- West Champaran

Saddam Hussain S/O Fateh Mohammad R/O Village- Nawalpur, Chiktoli,
P.S.- Yogapatti, District- West Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Saroj Kumar Choudhary, Adv.

For the Opposite Party/s : Mrs. Anita Kumari, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 18-01-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks regular bail in connection with
Yogapatti P.S. Case No. 351 of 2023, lodged on 28.07.2023
under Sections 412, 413, 414, 420, 467, 468, 471, 34 of the
Indian Penal Code read with sections 8/20(b)(II)(C)/23(C) of the
N.D.P.S. Act.

3. As per the prosecution case, the FIR has been
lodged against 3 named accused persons including the present
petitioner. The allegation is that 1.65 kg. *charas* has been
recovered from the possession of accused namely Ramashish
Kumar as well as a motorcycle was also recovered from his
possession which was subject to theft. Upon query, Ramashish
Kumar disclosed the name of accused namely Ejaj Ansari that
he used to do business with Ejaj Ansari for selling the
motorcycle and Ejaj Ansari has further disclosed that he used to



do sale and purchase of the motorcycle with the help of present petitioner namely Saddam Hussain.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence. Counsel also submits that from the contents of FIR, it is very much clear that no offence is made out against the present petitioner relating to N.D.P.S. and at worst, as per the allegation made in the FIR, offence of section 414 of the IPC may be made out against him which is magisterial triable. Counsel further submits that the antecedent of the petitioner is not clean and the case was lodged u/s 379 of IPC. In this case, the petitioner is in custody since 29.07.2023.

5. Learned APP for the State opposes the prayer for bail of the petitioner and submits that antecedent of the petitioner is not clean and there are two criminal cases pending against him. The present case has ingredients of section 414 of IPC and earlier case has ingredients of section 379 of IPC.

6. In the present facts and circumstances of this case and the submissions made above, let the petitioner above named, be granted bail on furnishing bail bonds of Rs.30,000/- (Rupees Thirty thousand) with two sureties of the like amount each to the satisfaction of learned District & Sessions Judge, West Champaran, Bettiah in connection with Yogapatti P.S. Case No. 351 of 2023, subject to the conditions as laid down



U/s 437(3) Cr.P.C. as well as the following conditions:

(i) one of the bailor should be the family member of the petitioner who shall provide official document to show his *bona fide*;

(ii) the petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bonds by the Trial Court itself;

(iii) the petitioner shall appear before the concerned police station every month for one year to mark attendance;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidence, failing which the State shall be at liberty to take steps for cancellation of the bail bonds; and

(v) the petitioner shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of the bail bonds.

7. The petitioner is directed to be grant bail only with a condition that, he shall show the certificate before the Court that he is not absconding in the earlier case.

(Dr. Anshuman, J.)

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