

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12932 of 2025

Arising Out of PS. Case No.-284 Year-2024 Thana- PAHARPUR District- East Champaran

Saddam Hussain @ Md. Jawed Alam S/o Md. Khursed Alam @ Md. Khurshid Alam @ Khursed Alam Resident of Village- Siswa Maldahiya, Police Station- Paharpur, District- East Champaran at Motihari

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shashank Shekhar, Advocate

For the Opposite Party/s : Mr. Shyameshwar Dayal, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 28-03-2025 Heard Mr. Shashank Shekhar, learned counsel for the petitioner and Mr. Shyameshwar Dayal, learned Additional Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in connection with Paharpur P.S. Case No. 284 of 2024, F.I.R. dated 11.06.2024 for the offences punishable under Sections 147, 149, 341, 323, 324, 325, 307, 427, 354B, 379, 504 and 506 of the Indian Penal Code.

3. According to prosecution case, this petitioner along with other accused persons armed with weapon arrived at the door of the informant and started assaulting her and other family members due to land dispute. It is further alleged that one Julum Miyan was brutally assaulted by the accused persons.



4. Learned counsel for the petitioner submits that petitioner is innocent and he has falsely been implicated in the present case. He further submits that it appears from the F.I.R that due to admitted land dispute between the parties, the present occurrence has taken place. He further submits that the date of occurrence as alleged in the F.I.R is 09.06.2024 but the present F.I.R has been instituted on 11.06.2024 i.e. after delay of 2 days without giving any explanation of the said delay. He further submits that the allegation against this petitioner and other accused persons is of assaulting to one Julum Miyan. Although Julum Miyan received injury but the injury report of Julum Miyan states that *“(i) USG W/A-Reported by Maa Sandhya Ultrasound, Hospital Road, Motihari, East Champaran is Normal. (ii) X-ray of left arm Ap/lat-XPN-MH-A14-BBI2320 date 09.06.2024, Sadar Hospital Motihari, As per radiologist opinion is-Normal study.”* which suggests that the nature of injury is simple.

5. The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner and submits that there is specific allegation that the petitioner has assaulted Julum Miyan and apart from that the petitioner carries one criminal antecedent other than the present one but fairly



submits that the police has submitted final form in favour of the petitioner.

6. Considering the aforesaid facts and circumstances that due to admitted land dispute the present occurrence has taken place and the nature of injury is simple, let the petitioner, above named, in the event of arrest or surrender before the court below within a period of thirty days from the date of receipt of the order, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, East Champaran at Motihari in connection with Paharpur P.S. Case No. 284 of 2024, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure / Section 482(2) of the Bhartiya Nagarik Suraksha Sanhita and with other following conditions:-

i. Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

ii. If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to



move for cancellation of bail.

iii. And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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