

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19481 of 2025

Arising Out of PS. Case No.-452 Year-2021 Thana- ALAMGANJ District- Patna

Md. Saddam @ Md. Tousif @ Md. Tausif @ Md. Haddam S/O Md. Kausar @
Md. Kousar @ Md. Arshad Residence of Pathan Toli Kallu Ka Dhaba ke
Makan Ka Kirayadar, P.S- Alamganj, District- Patna.

... .. Petitioner/s

Versus

1. The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Arvind Kumar Pradhan, Advocate

For the Opposite Party/s : Mr.Pramod Kumar Pandey, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 20-06-2025 Heard Mr.Arvind Kumar Pradhan, learned counsel
for the petitioner and Mr.Pramod Kumar Pandey, learned A.P.P.
for the State.

2. The petitioner seeks bail, who is in custody since
02.08.2021 in connection with S.Tr.No.1067/23 arising out of
Alamganj P.S. Case No. 452 of 2021, F.I.R. dated 26.07.2021
registered for the offence punishable under Sections
302/120(B)/34 of IPC and Section 27 of Arms Act.

3. Earlier the prayer for bail of the petitioner was
twice rejected vide orders dated 23.02.2023 and 01.12.2023
passed in Cr. Misc. Nos.52265 of 2022 and 70276 of 2023
respectively.



4. Learned counsel appearing for the petitioner submits that the petitioner is in custody since 02.08.2021 and the trial is not in progress.

5. Vide order dated 26.03.2025, a report was called for with regard to the stage of the trial. Report of the learned Trial Court dated 22.04.2025 reveals that the charge has not been framed as yet because one co-accused person, namely, Rohit @ Bengwa was absent and apart from that, another co-accused person, namely, Md. Raja @ Langra was also not present. Learned counsel for the petitioner submits that in view of the aforesaid, there is no chance of early conclusion of the trial in near future and the petitioner is in custody since 02.08.2021 and similarly situated co-accused person, namely, Md. Mutahir has been granted bail by a Coordinate Bench of this Hon'ble Court vide order dated 18.04.2025 passed in Cr. Misc. No.86336 of 2024.

6. Learned APP for the State has opposed the prayer for bail of the petitioner and submits that there is direct and specific allegation against the petitioner and apart from that, the petitioner has confessed his guilt in the present occurrence and on the basis of the confessional statement of the petitioner, the knife was used in the present crime in question has been



recovered and apart from that, the petitioner carries one more case other than the present one.

7. Considering the aforesaid fact, report of the learned Trial Court, similarly situated co-accused person, namely, Md. Mutahir has been granted bail by a Coordinate Bench of this Hon'ble Court and the period of custody, let the petitioner, above named, 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 learned A.D.J.-II, Patna City, Patna in connection with S.Tr.No.1067/23 arising out of Alamganj P.S. Case No. 452 of 2021, with the 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/her absence on two consecutive dates without sufficient reason, his/her 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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