

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27723 of 2025

Arising Out of PS. Case No.-773 Year-2024 Thana- SIWAN CITY District- Siwan

Saddam Hussain S/o Ramjan Mian @ Ramjan Ali R/o Makhdum Saray,
Lehera Toli, P.S.- Sarai, Distt.- Siwan

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

with

CRIMINAL MISCELLANEOUS No. 28472 of 2025

Arising Out of PS. Case No.-773 Year-2024 Thana- SIWAN CITY District- Siwan

MOHAMAD NEZAMUDDIN @ MOHAMAD NIZAMUDDIN S/O
ALLAUDDIN R/O Vill.- Makhdum Sarai Lahera Toli, P.S.- Sarai, Dist.-
Siwan- 841226

... .. Petitioner

Versus

THE STATE OF BIHAR PATNA

... .. Opposite Party

Appearance :

(In CRIMINAL MISCELLANEOUS No. 27723 of 2025)

For the Petitioner/s : Mr.Ranjeet Kumar Pandey, Advocate

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

(In CRIMINAL MISCELLANEOUS No. 28472 of 2025)

For the Petitioner/s : Mr.Praveen Kumar, Advocate

For the Opposite Party/s : Mr.Rajiv Nayan, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

4 29-08-2025 Heard learned counsel appearing on behalf
of the petitioners and learned A.P.P. for the State.

2. The accused/petitioners seek bail in
connection with Siwan Town P.S. Case No. 773 of
2024 registered for the offences under Sections
103, 3(5) of the Bhartiya Nyay Sanhita, 2023 (in
short, the 'B.N.S.').

3. The accused/petitioners are named in



the First Information Report and are in custody since 16.12.2024.

4. As per FIR, husband of the informant along with one of his associate were killed by the villagers. It is alleged that deceased were called by one Anwar Ali and others.

5. It is submitted by learned counsel appearing on behalf of the petitioners that the informant is not an eye witness of the actual occurrence and petitioners was implicated with the present case only on the basis of suspicion as raised by the informant.

6. It is pointed out that on the basis of said suspicion, nothing incriminating surfaced during the course of investigation as to connect the petitioners *prima facie* with the present occurrence of murder. It is pointed out that in fact, the deceased husband of the informant was himself a history-sheeter and was inter-district criminal involved in several cases, and on the date of occurrence he along with his associate had gone nearby locality to collect the extortion money,



where unknown local persons collectively assaulted them by using hard and blunt substances causing his death.

7. It is submitted that another named co-accused person namely, Raj @ Altamash Anwar has already been granted bail by this Court through Cr. Misc. No. 36539 of 2025 dated 13.08.2025.

8. While concluding argument, it is submitted that petitioners are men of clean antecedent and, moreover, investigation of this case is already completed and as such, there is no chance of tampering with the evidence.

9. Learned A.P.P. for the State is present.

10. Mr. Manaur Alam, learned counsel appearing for the informant, while opposing the prayer for bail of the petitioners, submitted that petitioners have actively participated in the alleged occurrence, however, he could not disputed the factual submissions as advanced by learned counsel for the petitioners.

11. Considering the facts and



circumstances as mentioned above and by taking note of the fact as save and except suspicion *prima facie* nothing incriminating appears surfaced during the course of investigation as to connect the petitioners with the present occurrence of murder, coupled with the fact that petitioners remain in custody since 16.12.2024, where investigation of this case is already completed, accordingly, both petitioners namely, Saddam Hussain and Mohamad Nezamuddin @ Mohamad Nizamuddin are directed to be released on bail, furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand only) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Siwan, in connection with Siwan Town P.S. Case No. 773 of 2024, subject to the condition as laid down under Section 437(3) Cr.P.C/Section 480(3) of the Bhartiya Nagarik Suraksha Sanhita (in short "B.N.S.S.").

(i) That petitioners shall not made any attempt to delay trial, failing so, the State/informant shall be at liberty to



move before the Trial Court itself for the cancellation of bail bond of the petitioners, which shall be decided by trial court itself after giving opportunity of hearing to the petitioners.

(ii) Accused/Petitioners shall physically present on each and every date before the Trial Court after framing of charge till conclusion of the trial and exemption from physical appearance be allowed by the Trial Court, only on medical ground of the petitioners duly supported by the documents.

12. Accordingly, both petitions stand disposed of.

(Chandra Shekhar Jha, J)

Rajeev/-

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