

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40992 of 2025

Arising Out of PS. Case No.-216 Year-2024 Thana- KALYANPUR District- Samastipur

Md. Saddam @ Saddam Son of Late Md. Zafirul R/o Village - Jatmalpur,
Ward No.- 3, P.S.- Kalyanpur, District - Samastipur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner	:	Mr. Ajay Kumar Thakur, Advocate
		Mr. Fahad Khurshid, Advocate
For the State	:	Mr. Nand Kumar, APP
For the O.P. No.2	:	Mr. Kedar Jha, Advocate

CORAM: HONOURABLE MR. JUSTICE ASHOK KUMAR PANDEY
ORAL ORDER

3 20-08-2025 Heard learned counsel for the petitioner, learned
counsel for the Opposite Party No.2 and Mr. Nand Kumar,
learned APP for the State.

2. The petitioner has prayed for regular bail in a case
registered for the offence punishable under Sections 103(1) and
190 of the BNS and under Section 27 of the Arms Act.

3. The case of the prosecution is that father of the
Informant was sleeping in newly constructed house. At about
02:30 AM on 27.08.2024, the informant woke up and he saw
that the petitioner along with Md. Asjad and Md. Gufran were
armed with pistol and were saying that today they will kill the
father and son duo. The informant hide himself and after some
time he came out of the house and he found that accused
persons were going towards his house. It is further alleged that



the accused persons entered in the house. Md. Asjad and Md. Gufran ordered after this Md. Saddam fired. The gunshot hit in the head of the informant's father. He succumbed to the injuries.

4. Learned counsel for the petitioner has submitted that admittedly the occurrence is of 02:30 AM on 27.08.2024, whereas the FIR was filed on 28.08.2024 at 04:15 PM. It has also been submitted that the inquest report was prepared at 10:05 AM on 27.08.2024 and even the post-mortem was also conducted prior to filing of the FIR. It has also been argued by the learned counsel for the petitioner that from perusal of Paragraph '6' it will transpire that the chowki on which the dead body was found, there was no blood. It has also been submitted it is the case of the prosecution that the deceased was sleeping in a half constructed room. As such, the firing if any must have been made from a close range from the room itself. The post-mortem report does not disclose the range from which the firing was made and the injuries which has been found does not show any kind of blackening or charring. The petitioner is a man of clean antecedent and he is in judicial custody since 29.01.2025.

5. Mr. Kedar Jha, learned counsel for the informant is present and he has vehemently opposed the bail and has submitted that though there is delay in filing of the FIR, yet the



petitioner is the main assailant.

6. Having heard learned counsel for the parties and considering the facts and circumstances of the case, this court is inclined to enlarge the petitioner on bail. The above named petitioner is directed to be released on bail in connection with Kalyanpur P.S. Case No. 216 of 2024 on furnishing bail bond of Rs.10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Samastipur.

(Ashok Kumar Pandey, J)

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