

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35919 of 2025

Arising Out of PS. Case No.-111 Year-2014 Thana- DUMARIYA District- Gaya

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Saddam Miyan @ Saddam Hussain @ Sadam Hussana @ Sudama Hussain,
age about 46 years, Gender-Male, Son of Insan Miyaan, Resident of village-
Mahulaniya P.S.-Chakarbandha District-Gaya.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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with

CRIMINAL MISCELLANEOUS No. 46501 of 2025

Arising Out of PS. Case No.-111 Year-2014 Thana- DUMARIYA District- Gaya

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Vifan Yadav, aged about 35 years, Male, Son of Bipat Yadav, Resident of
Village - Chhakarbandha, P.S.- Dumariya, District - Gaya.

.. ... Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

(In CRIMINAL MISCELLANEOUS No. 35919 of 2025)

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

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

(In CRIMINAL MISCELLANEOUS No. 46501 of 2025)

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

For the Opposite Party/s : Mr. Md. Nazir Ansari, APP

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CORAM: HONOURABLE MR. JUSTICE RAMESH CHAND MALVIYA
ORAL ORDER

3 10-09-2025 Heard learned counsel for the petitioners and learned

APP for the State.

2. The petitioners seek bail in connection with

Dumariya P.S. Case No. 111 of 2014 instituted for the offences

punishable under Sections 147, 148, 149, 341, 364, 302, 201/34

of the Indian Penal Code, Section 27 of the Arms Act and

Section 17 of the C.L.A. Act.

3. As per the prosecution case, 150-200 unknown



persons armed with deadly weapon entered into the house of the informant and forcibly apprehended the informant's husband Sabir Miyan and took him towards Chakarbhandha School and detained him.

4. Learned counsel for the petitioners submits that the petitioners are innocent and have committed no offence and have falsely been implicated in this case merely on the basis of mere suspicion. He submits that petitioners are not named in the FIR and the FIR has been lodged against 150-200 unknown miscreants. He further submits that petitioners were neither claimed to be present at the place of occurrence nor identified by any nearby resident or by the informant of the case at the relevant date and time. He next submits that petitioner namely Saddam Miyan is the own younger brother (Devar) of the informant's deceased husband, who was himself the victim in the present case and was present inside the house with the informant and other family members at the time of occurrence. He lastly submits that petitioners have been falsely implicated in this case only because they carries one criminal antecedent. Petitioners are in custody since 01.02.2025 and 24.02.2025, respectively.

5. Learned APP for the State opposes the prayer for



bail of the petitioners.

6. From perusal of the FIR, case diary, postmortem report and impugned order of the learned Additional District and Sessions Judge-III, Sherghati Gaya / District and Additional Sessions Judge-III, Sherghati Gaya dated 05.03.2025 and 27.03.2025, It appears that on the basis of fardbeyan of the informant namely Sabina Khatoon, FIR has been registered under Sections 147, 148, 149, 341, 364, 302, 201/34 of the Indian Penal Code, Section 27 of the Arms Act and Section 17 of the C.L.A. Act against 150-200 unknown miscreants. It appears that petitioners are not named in the FIR and the occurrence took place on 06.12.2014 at about 7:30 P.M. From perusal of the case diary at paragraph no. 27 dated 08.02.2015, first time the name of both the petitioners have come from secret information of villagers. From bare perusal of the entire case diary, it reveals that no any eye witness or circumstantial evidence have lodged regarding involvement of the present petitioners. It is submitted in para 9 of the bail petition of Saddam Miyan that he is the own younger brother (Devar) of the informant's deceased husband, not named in the FIR and no one identified the present petitioners, so considering all these aspects of the matter and submission of learned counsel for the



petitioners and other material available on the record, I am inclined to grant bail to the petitioners.

7. Accordingly, the prayer for bail of the petitioners are allowed. Let the petitioners above named be released on bail *after commitment of the case* on furnishing bail bonds of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate-1st, Class Sherghati, Gaya in connection with Dumariya P.S. Case No. 111 of 2014, subject to the condition that the petitioners shall remain physically present before the Trial Court on each and every date till conclusion of the Trial.

(Ramesh Chand Malviya, J)

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