

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.68937 of 2025

Arising Out of PS. Case No.-407 Year-2023 Thana- KONCH District- Gaya

Saddam Husain S/o Late Khalil Ansari R/o Village - Konch, P.S - Konch,
District - Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rajendra Kumar Jain, Advocate
For the State : Mr. Pawan Kumar Chaurasia

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

3 21-11-2025 Heard the parties.

2. The petitioner is in custody in connection with Konch P.S. Case No. 407 of 2023 for the offence punishable under sections 304(B) and 34 of the Indian Penal Code, lodged on 31.08.2023 by the informant, Shahjahan Khatoon.

3. As per the prosecution story, the informant alleged that upon information given by the brother of the informant that some dispute has taken place, they rushed to the place only to see the dead body of the lady lying there. Accordingly, the F.I.R.

4. Earlier, the bail application of the petitioner was rejected in Cr. Misc. No. 4731 of 2024 and this is the second attempt.

5. In this case, the Trial Court Report was called for according to which, after framing of the charges, one witness



has been examined.

6. Learned counsel for the petitioner submits that the FSL Report shows that Celphos was found in the Viscera, actually, the lady committed suicide, the trial is on, he shall be diligently appearing in it. Last submission is that the petitioner has no criminal antecedent and is in custody since 19.09.2023.

7. Learned counsel for the informant on the other hand opposes the prayer submitting that now that the Viscera report shows Celphos, the role of the petitioner cannot be ignored.

8. Allegation is there, petitioner being husband, cannot exonerate himself from the responsibility, however, he is in custody since 19.09.2023, and an undertaking has been given that he shall be diligently appearing in trial, the trial is at the initial stage, in that background, this Court is inclined to extend him the privilege of bail.

9. Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of like amount each to the satisfaction of learned Additional Sessions Judge-XV, Gaya, in connection with Konch P.S. Case No. 407 of 2023 subject to the following conditions:

(i) one of the bailor should be the family



member/relative of the petitioner who shall provide official document to show his/her bona fide;

(ii) the petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bond by the Trial Court itself;

(iii) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(iv) the petitioner shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of his bail bonds.

(Rajiv Roy, J)

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