

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34927 of 2019

Arising Out of PS. Case No.-222 Year-2018 Thana- BARGAINIA District- Sitamarhi

MD. RUSTAM KHAN @ RUSTAM KHAN S/o Late Hasib Khan R/o
village- Akhta Gote, P.S.- Bairgania, Distt.- Sitamarhi

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sanjay Kumar

For the Opposite Party/s : Mr.Mithlesh Kumar Khare

CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

5 30-08-2019 Heard the learned counsel for the petitioner, informant and
the learned A.P.P. for the State.

The petitioner seeks bail in Bairgania P.S. Case No.
222/2018, instituted for offences under Section(s) 147, 148, 149, 325,
323, 324, 307, 120(B), 34 and 302 of the Indian Penal Code read
with Section 27 of Arms Act.

It is alleged in the written report that on the date of
occurrence petitioner caused firearm injury to the uncle of informant
in his *Kanpatti*, who subsequently died.

Learned counsel for informant has submitted that there is
direct allegation against this petitioner of causing firearm injury to
the deceased, which gets support in the post-mortem.

Learned counsel for petitioner has submitted that prior to
lodging of the instant case petitioner was brutally assaulted by the
informant and others for which he has filed Bairgania P.S. Case No.



228/2018.

It is further submitted that due to assault committed by informant, petitioner became unconscious and brought to local P.H.C. at 6 A.M. on 19.09.2018. Petitioner was subsequently referred to S.K.M.C.H., Muzaffarpur. Injury report of petitioner is annexed as Annexure 3 series which is duplicate injury report, which shows time 6:00 A.M. petitioner came to hospital. Another injury report of S.K.M.C.H., which is discharge certificate. It does not describe any injury.

Learned counsel for informant has submitted that bail of one of the co-accused has already been rejected by a Co-ordinate Bench of this Court.

Learned Addl. P.P. has submitted that there is direct allegation against this petitioner in the written report, which also gets support from the statement of witnesses recorded in case diary.

Considering the fact that there is direct allegation against this petitioner, this Court is not inclined to grant bail to the petitioner. Accordingly, prayer for bail of petitioner is rejected at this stage.

Petitioner is in custody since 29.09.2018.

Petitioner will be at liberty to renew the prayer for



bail after nine months in the event no substantial progress is made in the trial.

(Sanjay Priya, J)

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