

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.62013 of 2021**

Arising Out of PS. Case No.-143 Year-2021 Thana- TRIVENIGANJ District- Supaul

MD. RUSTAM S/o- Md. Chhedi Mian Resident of Village - Maheshwa Tola
Bela Ward No. 9, Police Station - Triveniganj, District - Supaul.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ranjay Kumar Singh, Advocate
For the Opposite Party/s : Dr. Indihar Kumari, APP

**CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER**

3 18-04-2022 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner seeks bail in a case registered for the offences punishable under Sections 144, 149, 341, 323, 302, 380, 436 and 427 of the Indian Penal Code read with Section 25 of the Cattle Trespass Act.

Learned counsel for the petitioner submits that the petitioner is in custody since 11.08.2021, is a person with clean antecedent and charge-sheet has been submitted in the case.

Learned counsel for the petitioner submits that the informant alleges that on 15.05.2021 at about 4 p.m. several goats were grazing the standing *moong* crops in the field of informant's father-in-law, Md. Sultan. It is further alleged that on seeing the same, informant's father-in-law along with the



daughter of the informant reached the place of occurrence to save the crop then it is alleged that 14 named accused persons assaulted the informant's father-in-law on account of which he died.

Learned counsel for the petitioner submits that from perusal of the allegation as alleged in the F.I.R. it would manifest that the allegations are general and omnibus in nature, there is no specific allegation of assault against any of the accused persons. It is further submitted that the postmortem report also records that no antemortem injuries were found, thus it is submitted that if 14 persons would have assaulted the deceased then definitely some external injuries would have been found in the postmortem. Learned counsel further submits that police after investigation submitted charge sheet under Section 304 of the I.P.C.

Learned A.P.P. for the State opposes the prayer for bail of the petitioner.

Considering the fact that the petitioner is in custody since 11.08.2021, is a person with clean antecedent, charge-sheet has been submitted in the case and taking into consideration the submissions made by the learned counsel for the petitioner, let the petitioner above named be released on bail



on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/successor court in connection with Triveniganj P.S. Case No. 143 of 2021.

Learned counsel for the petitioner is permitted to make rectification in paragraph '1' of the bail application

(Satyavrat Verma, J)

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