

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.1134 of 2022

Arising Out of PS. Case No.-226 Year-2021 Thana- BASANTPUR District- Siwan

MOHAMMAD ASLAM Son of Jalil Miyan Resident of Village- Madarpur,
Makadi Tola, P.S.- Basantpur (Lakari Nabiganj O.P.), District- Siwan.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Nagendra Rai, Advocate
For the Informant	:	Mr. Shakil Ahmad Khan, Advocate
For the Opposite Party/s	:	Mr. Manoj Kumar, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 23-05-2022 Heard learned counsel for the petitioner, learned
counsel for the informant and learned A.P.P. for the State.

Let the defect(s), if any, be removed within a period
of four weeks after complete start of the physical Court.

The petitioner seeks bail in a case registered for the
offences punishable under Sections 147, 149, 341, 323, 324, 307
and 302 of the Indian Penal Code.

Learned counsel for the petitioner submits that the
petitioner is in custody since 08.06.2021, charge-sheet has been
submitted and is a person with clean antecedent.

The informant alleges that on 07.06.2021, at about
08:30 a.m., petitioner along with eight other named accused in
the FIR came variously armed to the Bathan of the informant
and assaulted his family members including him on account of



land dispute. It is alleged that accused Md. Rustam Ali assaulted the son of the informant Munna Ali (deceased) causing injury on his neck. Further co-accused Md. Aslam Ali (petitioner) assaulted other son of the informant on his head by farsa. Thereafter, Raja Ali assaulted informant's nephew with sword on his head causing injury. Thereafter, it is alleged that petitioner no. 1 assaulted Mahtab Alam nephew of the informant on his abdomen as a result of which he sustained injury on his hand. It is alleged that Munna Ali, the son of the informant was declared dead by the Doctor at the hospital.

Learned counsel for the petitioner submits that though it is alleged that petitioner assaulted one of the sons of the informant by farsa on the head but from perusal of the injury report, it would manifest that the injury is simple in nature. Learned counsel for the petitioner submits that the blow was not repeated nor there was any intention on the part of the petitioner to kill the deceased or else the injury would not have been simple in nature.

Learned counsel for the informant and learned A.P.P. for the State vehemently opposes the prayer for regular bail of the petitioner but are not able to meet the submissions of the learned counsel for the petitioner that the nature of injury caused



by the petitioner on the head of the injured is simple in nature.

Considering the fact that the petitioner is in custody since 08.06.2021, charge-sheet has been submitted and is a person with clean antecedent, the petitioner, above named, is directed to 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 learned Court below where the case is pending in connection with Basantpur P.S. Case No. 226 of 2021.

(Satyavrat Verma, J)

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