

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.793 of 2022**

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

1. DHANU ALAM @ SHAHID RAJA SON OF RAMJAN MIAN R/O VILL.- MADARPUR, MAKRI TOLA, P.S.- BASANTPUR (LAKRI NABIGANJ O.P.), DIST.- SIWAN
2. SONU AALAM SON OF RAMJAN MIAN R/O VILL.- MADARPUR, MAKRI TOLA, P.S.- BASANTPUR (LAKRI NABIGANJ O.P.), DIST.- SIWAN

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Koshalendra Rai, Advocate
For the Informant	:	Mr. Shakil Ahmad Khan, Advocate
For the State	:	Mr. Ravindra Kumar, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 23-05-2022 Heard learned counsel for the petitioners, 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 petitioners seek 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 petitioners submits that the petitioner no. 1 is in custody since 28.07.2021 and petitioner no. 2 is in custody since 08.06.2021, both are persons with clean antecedent and charge-sheet has been submitted.

The informant alleges that on 07.06.2021, at about



08:30 a.m., petitioners along with seven 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 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 petitioners submits that from perusal of the allegation as alleged in the FIR, it would manifest that petitioner no. 2 is not alleged to have assaulted any of the injured including the informant and at best petitioners are alleged to be a member of the mob. Learned counsel further submits that as far as petitioner no. 1 is concerned, he is alleged to have assaulted Mahtab Alam but the injury found on Mahtab Alam on his hand which is non-vital part of the body. It is also submitted that on account of assault made by Md. Rustam Ali,



the son of the informant Munna Ali died.

Learned counsel for the informant and learned A.P.P. for the State vehemently opposed the prayer for regular bail of the petitioners but are not able to meet the submissions of the learned counsel for the petitioners that petitioner no. 2 is not alleged to have assaulted the informant or any of the injured and the injury on Mahtab Alam is non-vital part of the body i.e. the hand.

Considering the fact that the petitioners are in custody since 28.07.2021 and 08.06.2021, charge-sheet has been submitted and are persons with clean antecedent and taking into consideration the submissions made by the learned counsel for the petitioners, the petitioners, above named, are directed to be released on bail on furnishing bail bonds of Rs.10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of the 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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