

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16659 of 2023**

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

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RAJA ALI @ MD. RAJA S/O RUSTAM ALI @ MD. RUSTAM Resident of
Village- Madarpur, Makdi Tola, P.S.- Basantpur, District- Siwan, Bihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Prashant Kumar, Adv.

For the Opposite Party/s : Mr. Umanath Mishra, APP

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**CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH
SINGH**

ORAL ORDER

2 11-05-2023 Learned counsel for the petitioner is permitted to
remove defect (s), as pointed out by the office, if any, within a
period of four weeks on resumption of physical mode.

Heard learned counsel for the petitioner and learned
A.P.P for the State.

The petitioner has preferred this application for grant
of regular bail in connection with Basantpur P.S. Case No. 226
of 2021 dated 07.06.2021 registered for the offences punishable
under sections 147, 149, 341, 323, 324, 307 and 302 of the
Indian Penal Code.

As per the prosecution case, the petitioner and the
other co-accused persons holding arms came to the *Bathan* of
the informant and assaulted his family members including him



on account of land dispute. It is alleged that the co-accused Md. Rustam Ali assaulted the son of the informant, Munna Ali (deceased) causing injury on his neck. It is further alleged that the co-accused Md. Aslam Ali assaulted the other son of the informant on his head with *farsa*. Thereafter, the petitioner assaulted the informant's nephew, Masoom Raja with sword on his head causing injury and the co-accused Dhanu Alam also assaulted the informant's nephew on his abdomen which hit his hand.

Learned counsel for the petitioner has submitted that the petitioner is innocent and has falsely been implicated in this case. Learned counsel has further submitted that the injury of the injured, Masoom Raja is simple in nature causing by hard and blunt substance. Similarly situated co-accused has already been granted bail by the co-ordinate bench *vide* order dated 23.05.2022 passed in Cr. Misc. No. 1134 of 2022. The petitioner has clean antecedent as stated in para 3 of the bail petition. The petitioner is in custody since 30.08.2022.

Learned A.P.P. for the State has vehemently opposed the bail petition of the petitioner.

Considering the aforesaid facts and circumstances of the case as well as the period of custody, the petitioner above-



named, is directed to be enlarged on bail on furnishing bail-bond of Rs.20,000/- (Rupees Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned Court concerned, Siwan in connection with Basantpur P.S. Case No. 226 of 2021.

The application stands allowed.

(Chandra Prakash Singh, J)

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