

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.57434 of 2022

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

Md. Rustam Ali @ Rustam Ali Son Of Jalil Miya Resident Of Village -
Madarpur, Makadi Tola, P.S.- Basantpur (Lakdi Nabiganj O.P.), District -
Siwan.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Koshalendra Rai
For the Opposite Party/s : Mr.Ram Sevak Choudhary

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

4 28-03-2023 Heard learned counsel for the petitioner,

informant and learned A.P.P appearing on behalf of the

State.

The petitioner is languishing in custody in a

case registered for the offences punishable under

Sections 147, 149, 341, 323, 307, 302 of the Indian

Penal Code.

The prosecution case as per F.I.R is that all the

F.I.R named accused persons including the petitioner

entered into the Bathan of the informant and started

assaulting the informant and other family members. It is

specifically alleged against the petitioner that he



assaulted with a sharp cut weapon upon the neck of the son of the informant, as a result of which, he sustained sharp cuty injuries on his neck and subsequently succumbed to the injuries.

It is submitted by learned counsel for the petitioner that petitioner is innocent and he has falsely been implicated in this case. The petitioner and the informant are agnates and in the background of land dispute between the parties, the present accusation has been levelled against the petitioner. It is further submitted that the weapon which was alleged to be used by the petitioner upon the neck of the son of the informant is not mentioned in the F.I.R. The petitioner is languishing in custody since 07.06.2021. A statement has been made in para 3 of the petition that petitioner has no criminal antecedent.

Learned counter appearing on behalf of the informant and learned A.P.P appearing on behalf of the State have vehemently opposed the prayer for bail of



the petitioner and submitted that there is specific allegation against the petitioner that he assaulted with a sharp cut weapon on the neck of the son of the informant, as a result of which, he succumbed to the injuries. The postmortem report also corroborates the case of the prosecution. The independent witnesses also supported the case of the prosecution.

Considering the fact that there is specific accusation against the petitioner to have assaulted with sharp cut weapon on the neck of the victim resulting into his death, this Court is not inclined to grant bail to the petitioner. The prayer for grant of bail to the petitioner stands rejected.

The Trial Court is directed to expedite the trial and conclude the same at the earliest.

(Sunil Kumar Panwar, J)

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