

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39482 of 2025

Arising Out of PS. Case No.-233 Year-2024 Thana- AMAUR District- Purnia

Md. Mustaque @ Md. Mushtaque Alam S/O Maslehuddin Resident of Ward
No. 12, Rangamati, Talbari, P.S- Amour, District- Purnea.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Md Fazle Karim, Adv.

For the Opposite Party/s : Mr.Chandra Sen Prasad Singh, APP

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

ORAL ORDER

3 25-08-2025 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner has preferred this application for grant of regular bail in connection with Amour P.S. Case No. 233 of 2024 dated 11.06.2024 registered for the offences punishable u/ss 147, 148, 149, 341, 323, 324, 325, 307, 302, 504 and 506 of the Indian Penal Code.

3. As per the prosecution case, on 11.06.2024, when the informant was at her home then the petitioner and the co-accused persons along with 50-60 unknown miscreants by forming an unlawful assembly armed with deadly weapons came to the house of the informant and with the intention of creating a ruckus started destroying her house made of tin.



Thereafter, the informant and her family members made protest against it, then the accused persons took the informant's husband namely, Sahreja on the gunpoint to the courtyard of the petitioner, Mustaque and assaulted him with sticks and iron rods with the intention to kill him. The accused persons assaulted the informant's husband badly on his head, back and stomach with an iron rod and other weapons due to which the informant's husband got badly injured and he fell down on the ground. When the informant's sister-in-law came to rescue him, the co-accused, Md. Sharabul with the intention of killing stabbed on her cheek due to which, she sustained injury on her cheek. The informant's sister-in-law namely, Ruksana protested then the co-accused, Saheda and Sajid assaulted her on the head with an iron rod causing head injury. The informant's brother-in-law came to rescue, he was assaulted by the petitioner due to which he sustained head injury. Thereafter, all the injured were taken to the hospital for treatment. It is further alleged that the injured, Sahreja died during the course of treatment.

4. 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 petitioner and the deceased are the full brothers and there is land



dispute between them. There is no specific allegation against the petitioner. Nothing has been recovered from the conscious possession of the petitioner. The petitioner has no concern with the alleged offence. The co-accused person has already been granted bail by a Coordinate Bench of this court vide order dated 21.03.2025 passed in Cr. Misc. No. 4351/2025. The petitioner has no criminal antecedents as stated in para 3 of the bail petition. The petitioner is in custody since 07.09.2024.

5. Learned A.P.P. for the State has opposed the bail petition of the petitioner and submitted that the petitioner and the co-accused persons armed with deadly weapons entered the house of the informant and they abducted the informant's husband and took him to the courtyard of the petitioner on the gunpoint where they assaulted him with sticks and iron rod. These allegations have been substantiated by the statements recorded in the case diary at paragraph nos. 6, 7 and 8 in which the witnesses have also supported the prosecution case. It is further submitted that the petitioner assaulted the informant's husband Sahreja with an iron rod due to which he fell down on the ground and then the petitioner and the co-accused persons continuously assaulted him with sticks and iron rod on the internal parts of his body and on his private parts which is



evident from the statements of the witnesses in paragraph nos. 60, 61 and 62 of the case diary.

6. Considering the aforesaid facts and circumstances of the case as well as the heinous nature of allegation against the petitioner, I am not inclined to enlarge the petitioner above-named on bail.

7. Learned trial court is directed to expedite the trial and conclude the same at the earliest.

8. The application stands rejected.

(Chandra Prakash Singh, J)

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