

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44268 of 2025

Arising Out of PS. Case No.-89 Year-2024 Thana- RAHIKA District- Madhubani

Md. Mustakh @ Md. Mustak S/o Md. Yunus Resident of Ward No. 3, Village
Rahika, Insaf Chowk, P.S.- Rahika, District- Madhubani

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Abu Nasar, Advocate
For the Opposite Party/s : Mr. Ashok Kumar Singh, APP

**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

2 01-07-2025 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in connection with Rahika
P.S. Case No. 89 of 2024 instituted for the offences under
Sections 341, 323, 324, 504, 506, 34, 307, 452, 427, 147, 354B
of the Indian Penal Code.

3. The accusation against the accused persons
including the petitioner is of assaulting the husband of the
informant as also her son. It is alleged that this petitioner
assaulted on the head of the informant's husband by means of
iron rod causing injuries and later on, he succumbed to injuries.
It is also alleged that petitioner also assaulted on the head of the
informant's son by means of *farsa*.



4. Learned counsel for the petitioner submitted that the petitioner has falsely been implicated in the present case. Learned counsel further submitted that there is a delay of two days in lodging the FIR without any plausible explanation, which in itself, raises doubt over the prosecution story. Learned counsel for the petitioner submitted that general and omnibus allegation has been made against the petitioner. Learned counsel further submitted that there is no repetition of iron rod blow on the head of the deceased as he had no intention to commit the murder of the deceased. It has been submitted on behalf of the petitioner that the petitioner is in custody since 13.09.2024 and has no criminal antecedent.

5. Learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner. Learned APP further submitted that there is specific allegation against the petitioner of giving iron rod blow on the head of the deceased and, therefore, the petitioner does not deserve to be released on bail.

6. Considering the aforesaid facts and circumstances of the case as also there being specific allegation against this petitioner of assaulting the deceased, this Court is not inclined to grant bail to the petitioner at this stage.



7. Accordingly, the prayer for grant of bail to the petitioner is, hereby, rejected.

8. Learned Trial Court is directed to expedite the trial.

(Rudra Prakash Mishra, J)

Alok Verma/-

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