

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.51258 of 2025

Arising Out of PS. Case No.-151 Year-2024 Thana- KALYANPUR District- Samastipur

Md. Rahamat Ali @ Md. Rahmat Son of Md. Mokid @ Md. Mofid Resident
of Vill- Ratwara, P.S.- Kalyanpur, District- Samastipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Pramod Kumar Singh

For the Opposite Party/s : Mr.Md. Mushtaque Alam

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3 25-11-2025 Heard both parties.

2. The petitioner seeks bail in a case registered for the offence punishable under Sections 302, 34 of the Indian Penal Code.

3. Prosecution case, in brief, is that the informant was informed by Md. Istiyak that the informant's brother, Md. Junaid, had been brutally assaulted by some persons and thrown in his garden. Thereafter, the informant along with family members reached the place of occurrence and found his brother lying unconscious and injured. The injured was taken to the hospital, and during the course of treatment, he stated that he had gone to the garden with Md. Istiyak. He further disclosed that Md. Rahmat Ali (petitioner) along with three unknown persons tied him with a towel, assaulted him severely, and caused injuries. After one day, he succumbed to his injuries.

4. Learned counsel for the petitioner submits that



informant is not eye-witness to the occurrence and petitioner has been falsely implicated. Allegation of assault is general and omnibus. He further submits that similarly situated co-accused Md. Isteyaque @ Isteyaque Ahmad has been granted bail by this Court. Petitioner claims clean antecedent and he is in custody since 17.02.2025.

5. Learned APP however, vehemently opposes the prayer for bail and submitted that during course of treatment, the deceased disclosed the name of this petitioner as one of the assailant.

6. Considering the nature of accusation, materials available on record and the fact that the petitioner cannot claim parity with co-accused Md. Isteyque since there is no allegation of assault, attributed to him, whereas, petitioner is alleged to have assaulted the deceased. Hence, I am not inclined to enlarge the petitioner above-named on bail in connection with Kalyanpur PS Case No. 151 of 2024, pending in the Court of learned Chief Judicial Magistrate, Samastipur. Accordingly, the same is rejected.

7. However, as the petitioner is in custody since 17.02.2025, the trial Court is directed to expedite and conclude the trial preferably within a period of one year from the date of



receipt/production of a copy of this order.

(Prabhat Kumar Singh, J)

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