

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.84959 of 2024

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

Md. Rustam Ali @ Md. Rustam Son of Jalil Miya Resident of Village-
Madarpur Makari Tola, P.S.- Basantpur (Lakri Nabiganj O.P.), Distt.- Siwan

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Anil Chandra, Adv.

For the Opposite Party/s : Mr.Sanjay Kumar Tiwary, APP

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

ORAL ORDER

4 14-02-2025 Heard learned counsel for the petitioner and learned
A.P.P for the State.

2. The petitioner has preferred this application for grant of regular bail in connection with Session Trial No. 317/2021 arising out of Basantpur (Lakri Nabiganj O.P.) 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.

3. 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 petitioner, Md. Rustam Ali assaulted the son of the informant, Munna Ali



(deceased) causing injury on his neck. It is further alleged that the petitioner, Md. Aslam Ali assaulted the other son of the informant on his head with *farsa*. Thereafter, the co-accused, Raja Ali 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.

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 informant are agnates and in the background of land dispute between the parties. It is further submitted that the petitioner has no concern with the alleged offence. Learned counsel has further submitted that the learned trial court has reported that vide Letter No. 32 dated 08.01.2025, out of 7 charge-sheeted witness, 5 witness have already been examined. The petitioner has clean antecedent as stated in para 3 of the bail petition. The petitioner is in custody since 08.06.2021.

5. Learned A.P.P. for the State has vehemently opposed the bail petition of the petitioner and submitted that the bail application of the petitioner was earlier rejected by the Coordinate Bench of this court vide order dated 28.03.2023



passed in Cr. Misc. No. 57434 of 2022. It is further submitted that the specific allegation against the petitioner is that he assaulted with a sharp cut weapon on the neck of the informant's son, as a result of which, he succumbed to the injuries. The post-mortem report also corroborates the case of the prosecution.

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

7. The application stands rejected.

(Chandra Prakash Singh, J)

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