

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.88121 of 2024

Arising Out of PS. Case No.-597 Year-2023 Thana- PHULPARAS District- Madhubani

Md. Rustam Son of Late Ramja Miya Resident of Village - Siswa Barhi, P.S.-
Phulparas, District - Madhubani.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Rama Shankar Pd., Sr. Adv Mr. Jitendra Kumar, Adv Ms. Nitu Kumari, Adv
For the Informant	:	Mr. Gagandeo Yadav, Adv Mr. Ravi Prakash Yadav
For the State	:	Mr. Shailendra Kumar

CORAM: HONOURABLE MR. JUSTICE SOURENDRA PANDEY
ORAL ORDER

3 15-04-2025 Heard Mr. Rama Shankar Pd. learned Senior Counsel
for the petitioner, learned counsel for the informant and learned
A.P.P for the State.

2. The petitioner has preferred this application for
grant of regular bail in connection with Phulparas P.S. Case No.
597 of 2023 registered for the offences punishable u/s 302 and
120B read with Section 34 of the Indian Penal Code and Section
27 of the Arms Act.

3. As per the prosecution case, all together nineteen
persons are said to have attacked the house of the informant. It
is further alleged that all the accused persons were armed with
pistol, rifles and other deadly weapons. Further, the co-accused



Fulo Khatoon and Jeba Parveen directed the other accused persons to kill the son of the informant, thereafter, the accused persons including Md. Rustam (petitioner), caught hold of the son of the informant, namely, Md. Sakil and co-accused Md. Inamul fired a shot, killing the son of the informant on the spot.

4. Learned Senior Counsel for the petitioner has submitted that the petitioner is innocent and has falsely been implicated in this case. It is further stated that when Md. Sakil (Informant's son) had gone to the Sub-Divisional Office, Phulparas all the accused persons including Md. Rustam (Petitioner) are said to have assembled there and caught hold of the son of the informant, thereafter, the co-accused Md. Inamul had shot dead the son of the informant. There is general and omnibus allegation against the petitioner rather the specific allegation of fire is against the co-accused Md. Inamul. It is next submitted that one of the co-accused, namely, Shiv Shankar Paswan has been granted bail by the Co-ordinate of this Court vide order dated 27.09.2024 passed in Cr. Misc. No. 39479 of 2024. It is lastly submitted that the petitioner has antecedent of four cases as stated in para 3 of the bail petition and is in custody since 17.01.2024.

5. Learned A.P.P. for the State has vehemently



opposed the prayer for bail by stating that the petitioner had caught hold of the deceased along with 8 FIR-named accused persons and he has antecedent of four cases, hence, he does not deserve the liberty of bail.

6. Considering the aforesaid facts and circumstances of the case and there is general and omnibus allegation against all other accused persons including petitioner who have caught hold of the son of the informant, coupled with the fact the petitioner is in jail since 17.01.2024, let the petitioner above-named, be enlarged on bail on furnishing bail-bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Court concerned, Madhubani in connection with Phulparas P.S. Case No. 597 of 2023.

7. The application stands allowed.

(Sourendra Pandey, J)

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