

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.10171 of 2022

Arising Out of PS. Case No.-729 Year-2021 Thana- ALAMGANJ District- Patna

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Md. Masheer khan @ md. Musir khan @ md. Masir kha s/o salim khan @
salim khan resident of dr. Devi Lal , Noon Ka Chauraha, Mogalpura, Kuraisi,
Patna City, P.S. Khajekala, District - Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ravi Bhardwaj, Advocate

For the Opposite Party/s : Mr. Akshay Lal Pandit, APP

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CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

3 22-11-2022 Heard learned counsel appearing on behalf of the
petitioner and learned counsel appearing on behalf of the State.

Let the defect(s), if any, be removed within a period of
four weeks from today.

The petitioner seeks bail in connection with Alamganj P.S.
Case No. 729 of 2021 registered for the offence under Section
436/307/34 of the Indian Penal Code.

The accused/petitioner is not named in the F.I.R. and is in
custody since 04.01.2022.

The allegation against the petitioner is to cause mischief
by fire with intent to destroy the house of the informant and others
using for dwelling purpose, where several family members received
injury caused by fire, having intention to cause their death along with
other co-accused persons.



Learned counsel appearing on behalf of the petitioner submitted that the petitioner was falsely implicated due to previous enmity as his relation was estranged with the daughter of informant. It is further submitted that the allegations appearing doubtful as petitioner was known to the informant being son-in-law but he was not named by petitioner, where maximum allegation against the petitioner appears to be found running away from the place of occurrence along with 2 unknown co-accused persons. It is also submitted that an informatory petition has already been filed by this petitioner under Section 39 of Cr.P.C. before learned A.C.J.M. prior to this occurrence that he might be implicated falsely by informant and his family members. While concluding the argument, it has been submitted that petitioner is a man of clean antecedent and moreover, investigation of this case is complete, where charge-sheet has been submitted, as such, there is no chance of tempering with the evidence.

Learned APP, duly assisted by learned counsel appearing on behalf of the informant, Iti Suman, while opposing the prayer of bail submitted that the petitioner may harm the daughter of informant due to his estrange relations.

Considering the facts and circumstances as mentioned above, as the maximum allegations against this petitioner is running away from the place of occurrence, who is a man of clean antecedent coupled with the fact that charge-sheet has been submitted, let the



petitioner, above named, is directed to be released on bail in connection with Alamganj P.S. Case No. 729 of 2021 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 of A.C.J.M. I, Patna City/concerned court, subject to the conditions as follows:

“(i) That accused/petitioner shall not involve in the similar nature of offence/occurrence with informant/family members till the conclusion of trial of the present case, the bail bond shall be cancelled by Trial court itself, if so approached by the State.

(ii) That accused/petitioner shall cooperate in the trial and shall be physically present on each and every date before the Trial Court till conclusion of the trial and exemption from physical appearance be allowed by the Trial Court, only on medical ground of the petitioner, duly supported by the documents.

(iii) That one of the bailors shall be Shabbir Khan, who is the brother of the petitioner and deponent of the present bail petition.”

(Chandra Shekhar Jha, J)

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