

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.36605 of 2021**

Arising Out of PS. Case No.-47 Year-2020 Thana- ARARIA District- Araria

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1. Md. Imtiyaz @ Md. Imtiyaz Ray, aged about 21 years, male, Son of Idris.
  2. Md. Intakhab Ray @ Intekhab @ Tamatar, aged about 19 years, male, Son of Idris.

Both are residents of Village- Rajokhar, P.S.- Araria (R.S.), District- Araria.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr. Amit Kumar Anand, Adv.

For the Opposite Party/s : Mr. APP

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**CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR**

ORAL ORDER

2      05-04-2022

Heard the counsel for the parties.

Mr. Amit Kumar Anand, the learned Advocate for the petitioners seeks permission to withdrawn the application with respect to petitioner No. 2, namely, Md. Intakhab Ray @ Intekhab @ Tamatar as he has been arrested during the pendency of this bail application.



Permission is accorded.

The application with respect to petitioner No. 2 is dismissed as withdrawn as having become infructuous.

The petitioner No. 1, namely, Md. Imtiyaz @ Md. Imtiyaz Ray seeks bail in anticipation of his arrest in connection with Araria (R.S.) P.S. Case No. 47 of 2020, dated 15.01.2020, instituted for the offences under Sections 436 and 504/34 of the Indian Penal Code.

The accusation against the petitioner No. 1 is of setting fire to the dwelling house of the informant because of the objection of the informant regarding his habits of smoking.

It has been submitted on behalf of the petitioner No. 1 that an absolutely false case has been lodged after fifteen days of the occurrence. The occurrence is said to have taken place on 05.01.2020, whereas the date of report is 15.01.2020. It has further been submitted that there is a land dispute



between the father of the petitioner No. 1 and the husband of the informant, who is making attempts at grabbing the land falling in the share of the father of petitioner No. 1.

The petitioner No. 1 is a daily-wage earner, who has shifted to Delhi in connection with his livelihood. The accusation against him is, therefore, solely based on motivated statement of the informant and the statements of some of his sympathizers under Section 164 Cr.P.C., who have only said that they saw the petitioner No. 1 also at the place of occurrence.

Considering the nature of accusation against the petitioner No. 1/Md. Imtiyaz @ Md. Imtiyaz Ray and taking into account the fact that he is a person of clean antecedents, he, in the event of his arrest or surrender before the learned Court below within a period of four weeks, is directed to be released on bail on his furnishing bail-bonds in the sum of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned



Chief Judicial Magistrate, Araria in connection with  
Araria (R.S.) P.S. Case No. 47 of 2020, subject to the  
conditions laid down under Section 438(2) of the  
Cr.P.C.

The application stands disposed off  
accordingly.

**(Ashutosh Kumar, J)**

Praveen-II/-

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