

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43912 of 2022

Arising Out of PS. Case No.-126 Year-2012 Thana- PIRPAINTI District- Bhagalpur

1. Md. Samsad S/o Md. Mukhtar Resident of Jamalpur Khalasi Mohalla, P.S.- Kotwali, Distt.- Munger, Presently resides at Nauwa Toli, P.S.- Pirpainty, District- Bhagalpur
2. Md. Naushad S/o Md. Mukhtar Resident of Jamalpur Khalasi Mohalla, P.S.- Kotwali, Distt.- Munger, Presently resides at Nauwa Toli, P.S.- Pirpainty, District- Bhagalpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Swapnil Kumar Singh, Advocate
For the Opposite Party/s : Mr.Navin Kr. Pandey, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 18-11-2022 Heard learned counsel appearing on behalf of the petitioners and learned counsel appearing on behalf of the State through virtual Court proceedings.

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

The petitioners seek bail in connection with Pirpainty P.S. Case No. 126 of 2012 registered for the offence under Sections 452, 436 307 and 34 of the Indian Penal Code and Section 27 of Arms Act.

The accused/petitioners are named in the F.I.R. and both are in custody since 30.04.2022 .

The allegation against the petitioners is to cause fire



arm injuries to informant, while chased by informant when petitioners were running away after putting house of the informant on fire in the night of 08.09.2012 at about 02:00 a.m.

Learned counsel appearing on behalf of the petitioner submitted that due to previous enmity and to get compromise in previous instituted case by the sister of petitioners, who is the wife of informant, the present false case has been lodged. It is submitted that petitioner no.2 namely, Md. Naushad, also lodged a case as Jamalpur P.S. Case No. 45 of 2012 against the informant. It is further submitted that single injury caused on the non-vital part of body, without having any intervening circumstances, which negate the intention to cause death on its face. While concluding the argument, it is submitted that investigation of this case is complete, for which, charge-sheet has been submitted, as such, there is no chance of tampering with the evidence.

Learned APP appearing on behalf of the State opposes the prayer of bail.

Considering the facts and circumstances as mentioned above, and by taking note of accusation, where petitioners are in custody since 30.04.2022 coupled with the fact that charge-sheet has already been submitted, let both the petitioners, above



named, are directed to be released on bail in connection with Pirpainty P.S. Case No. 126 of 2012 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-XI, Bhagalpur/concerned court, subject to the conditions as laid down u/s 437(3) of the Cr.P.C.

(Chandra Shekhar Jha, J)

R.S.Sen/-

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