

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71297 of 2022

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

MD. SHAMIM @ MINTU S/o Md. Mukhtar R/o Mohalla- Jamalpur Khalasi,
P.S.- Jamalpur, District- 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

For the Opposite Party/s : Dr. Indihar Kumari

**CORAM: HONOURABLE MR. JUSTICE NAWNEET KUMAR
PANDEY**

ORAL ORDER

3 14-03-2023 Heard the learned counsel for the petitioner as well as
the learned Additional Public Prosecutor for the State.

The petitioner is seeking regular bail in connection with
Pirpainty P.S. Case No. 126 of 2012 registered for offence
punishable under sections 452, 436, 307/34 of the Indian Penal
Code and 27 of the Arms Act.

As per allegation, three named accused persons, namely,
Md. Shamshad, Md. Mantu the present petitioner and Md.
Naushad after committing arson in the house of the informant,
were fleeing away. Further allegation is that co-accused Naushad
opened fire, which hit left knee of the informant.

The learned counsel for the petitioner has submitted that
the petitioner is not assailable. The allegation against him is general
and omnibus. As a matter of fact, the informant had kidnapped the
sister of co-accused, Md. Naushad and in this respect, co-accused



Md. Naushad had lodged a case against the informant and it was the reason of the false implication of the accused persons. He has also submitted that the petitioner is under custody since 06.07.2022 and he is a person of clean antecedent.

Considering the above-mentioned facts and circumstances, let the petitioner above-named be released on bail on furnishing bail bonds of Rs.10,000/- (ten thousand rupees) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-XI, Bhagalpur in connection with Pirpainty P.S. Case No. 126 of 2012, subject to the following conditions:-

(i) The petitioner shall cooperate in the disposal of trial and make himself available as and when required by the court.

(ii) If the petitioner is found involved in future in the similar type of offence, the prosecution will have liberty to file an application before the court below for cancellation of the bail of the petitioner and the learned court below will take decision in accordance with law.

(Nawneet Kumar Pandey, J)

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