

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.6049 of 2025

Arising Out of PS. Case No.-484 Year-2023 Thana- KESARIA District- East Champaran

1. Akil Khan @ Adil Khan, Son of Late Tanwir Ahmad Khan Resident of Village- Kundwa, PS- Kesariya, District- East Champaran, Motihari.
2. Parwez Ahmad Khan Son of Late Mehdi Khan Resident of Village- Kundwa, PS- Kesariya, District- East Champaran, Motihari.
3. Hasib Khan Son of Late Mehdi Khan Resident of Village- Kundwa, PS- Kesariya, District- East Champaran, Motihari.
4. Asfaque Haider Khan Son of Late Tanwir Ahmad Khan Resident of Village- Kundwa, PS- Kesariya, District- East Champaran, Motihari.
5. Naushad Khan Son of Late Ali Imam Khan Resident of Village- Kundwa, PS- Kesariya, District- East Champaran, Motihari.
6. Jeba Yashmin Khan @ Jeba Yasmin Wife of Parwez Ahmad Khan Resident of Village- Kundwa, PS- Kesariya, District- East Champaran, Motihari.
7. Moti Khan Son of Kamrool Imam Khan Resident of Village- Kundwa, PS- Kesariya, District- East Champaran, Motihari.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Karandeep Kumar, Advocate

For the Opposite Party/s : Mr.Humayou Ahmad Khan, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

3 09-05-2025 Heard learned counsel appearing on behalf of the petitioners and learned Additional Public Prosecutor appearing on behalf of the State.

2. The accused/petitioners apprehending their arrest in connection with Kesariya P.S. Case No. 484 of 2023 registered for the offences punishable under Sections 436, 427, 120(B) of the Indian Penal Code.

3. It is submitted by learned counsel appearing for the petitioners that some



altercation/scuffle took place on 28.02.2023 at about 8:30 AM in coaching centre of the informant, for which Kesariya P.S. Case No. 109 of 2023 was lodged and further on 02.03.2023 at about 11.30 PM, the petitioners caused mischief by putting coaching centre on fire, damaging several valuable articles and books. It is submitted by learned counsel that the present occurrence lodged with a delay of six months of the occurrence, where FIR based upon basis of complaint petition, lodged before C.J.M., West Champaran, Motihari through Complaint Case No. 621 of 2023. It is also submitted that the aforesaid complaint was not supported by affidavit and, moreover, the investigating officer while visiting the place of occurrence on 29.08.2024 found nothing incriminating, suggesting *prima facie* that any mischief caused by fire as alleged. It is submitted that petitioners found involved in two more criminal cases, where they are on bail out of which, one with same informant.

4. Learned APP opposed the prayer of bail.

5. Considering the aforesaid facts and circumstances and by taking note of fact as the present FIR was lodged with delay of about six months, where investigating officer during visit of place of



occurrence *prima facie* does not finds any incriminating material suggesting any mischief as alleged to caused by fire, accordingly, all above named petitioners, in the event of their arrest or surrender before the learned trial Court, within a period of four weeks of the order, are directed to be released on bail furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, East Champaran, Motihari/concerned Court, where the case is pending in connection with Kesariya P.S. Case No. 484 of 2023, subject to the conditions as laid down under Section 438(2)/of the Cr.P.C./482(2) of the BNSS.

(Chandra Shekhar Jha, J)

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