

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.46468 of 2025

Arising Out of PS. Case No.-47 Year-2025 Thana- MORKAHI District- Khagaria

Md. Asfak @ Asfak Alam @ Ashfaque Alam son of Sadruddin village- Marar,
Dakshni, Ps- Morkahi, Dist- Khagaria

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner : Mr. Prince Kumar Mishra, Advocate
For the State : Mr. Syed Ehteshamuddin, APP

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 29-07-2025 Heard learned counsel appearing on behalf of the
petitioner and learned APP appearing on behalf of the State.

2. The petitioner apprehends his arrest in a case registered for the offence punishable under Sections 326(g) of the B.N.S..

3. As per prosecution case, on 05.04.2025 the informant was sleeping in the house, at 2:30 AM in the night when he woke up and went out to urinate, he saw that smoke was coming out of his tea shop. By then, there was commotion outside and some people extinguished the fire. It is alleged that in the CCTV cameras installed around the house of informant, this petitioner was seen standing.

4. It is submitted by learned counsel appearing on behalf of the petitioner that petitioner is quite innocent and has



committed no offence. The present F.I.R. has been lodged after inordinate delay of four days on 09.04.2025 for an incident that allegedly took place on 05.04.2025 and there is no plausible explanation for the same. As a matter of fact, petitioner and informant are neighbours and their houses are side by side and on the alleged date and time of occurrence, petitioner woke up at night to urinate and that is how he was seen standing in the CCTV footage. No one has seen this petitioner setting the tea shop of informant on fire and he has falsely been implicated in this case merely on suspicion. It is further submitted that subsequently, informant realized his mistake and filed a compromise petition before the learned trial court stating *inter alia* that he has not seen this petitioner setting his tea shop on fire and he has further stated that this petitioner has good relations with him. Petitioner claims clean antecedents.

5. Learned A.P.P. for the State has vehemently opposed the prayer for grant of anticipatory bail to the petitioner.

6. Considering the facts and circumstances of the case, nature of accusation, delay in lodging of the F.I.R., compromise between the parties and clean antecedents of the petitioner, the prayer for grant of anticipatory bail to the



petitioner is allowed.

7. Accordingly, in the event of arrest/surrender within a period of eight weeks from today, let the above named petitioner be enlarged on bail on furnishing bail-bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate 1st, Khagaria in connection with Morkahi P.S. Case No. 47 of 2025, subject to condition as laid down under Section 482(2) of the B.N.S.S..

(Prabhat Kumar Singh, J)

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