

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.29145 of 2016

Arising Out of PS.Case No. -135 Year- 2015 Thana -DAUDNAGAR District- AURANGABAD.

=====

Chhotu Quraishi S/o Yusuf Qurashi R/o Village- Pirahibagh, P.S.-
Daudnagar, District- Aurangabad.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

=====

Appearance :

For the Petitioner : Mr. Yogesh Chandra Verma, Sr. Advocate.

For the Opposite Party : Mr. Ramchandra Sahani, APP.

=====

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

4 22-09-2016

Heard both sides.

The petitioner apprehends his arrest in Daudnagar P.S.
Case No. 135 of 2015 registered for the offences punishable under
Section 307 and other Sections of the Indian Penal Code and
Section 27 of the Arms Act.

The informant Ramesh Kumar alleged that members of
Muslim community having armed with different weapons such as
swords, spears and guns came and on the order of Munna Aziz,
Munna Naushad began to assault the people of other community.
The petitioner Chhotu Quraishi is alleged to have fired causing
injury to many persons. Bomb was also exploded.

Shri Yogesh Chandra Verma, learned senior counsel
appearing on behalf of the petitioner submits that the present case



is counterblast of Daudnagar P.S. Case No. 134 of 2015 which was registered on the fardbeyan of Nazir Quraishi, the brother of the petitioner in which many persons were injured in the firing. Md. Saddam Quraishi son of the informant Nazir Quraishi died during course of treatment. The case on behalf of the petitioner being Daudnagar P.S. Case No. 134 of 2015 was lodged on 17.05.2015 but after more than 24 hours Daudnagar P.S. Case No. 135 of 2015 was registered in which nobody was injured in firing. This fact itself shows the falsity of the present case, as although the petitioner is alleged to have fired but none was injured in the firing. On the last date, the case diary was called for to verify this fact that as to whether any person got firearm injury but from perusal of the case diary it appears that three persons were injured but there was no gun shot injury on any of the persons. Similarly situated co-accused Chandu Quraishi, Wahid Quraishi @ Washid Quraishi, Barat Quraishi and Wakil Quraishi in Cr. Misc. No. 36815 of 2015 on 11.09.2015 and Kallu Quraishi, Gaurav Quraishi, Afzal Quraishi @ Chhotu Quraishi and Raju Quraishi in Cr. Misc. No. 37142 of 2015 on 16.09.2016 have already been granted bail by a coordinate Bench of this Court.

It appears that there is specific allegation against the petitioner that he fired and the informant alleged that many

persons got injuries in firing made by the petitioner but from perusal of the case diary it appears that many persons got injuries but the doctor did not opine about the nature of injury and weapon used in causing the injury and the patients were referred to PHC for treatment. It appears that the present case is filed after more than 24 hours of the case lodged from the side of the petitioner in which one person was killed and many others were injured.

Considering the facts aforesaid, the petitioner above named, in the event of his arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, is directed to 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 the Sub-Divisional Judicial Magistrate, Daudnagar, Aurangabad in Daudnagar P.S. Case No. 135 of 2015, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Prabhat Kumar Jha, J.)

KKSINHA/-

U		T	
---	--	---	--