

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.67896 of 2018

Arising Out of PS. Case No.-86 Year-2013 Thana- MADHAURAH District- Saran

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1. Kalam Quaraishi @ Bauraha Son of Late Gul Mohammad @ Late Ful Muhammad
 2. Kamrula Quraishi @ Karmullah Quraishi @Kamrulla Quraishi Son of Late Gul Mohammad @ Late Gul Muhammad
- Both Resident of Village-Olhanpur,P.S. Marhaura,Distt.-Saran at Chapra

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Dewendra Narayan Singh, Adv.

For the Opposite Party/s : Mr. J. N. Thakur, APP

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 14-12-2018 Heard learned Counsel for the petitioners and learned APP for the State.

The petitioners are apprehending arrest in a case registered for the offences punishable under Sections 307, 324,341,504,506,34 of the Indian Penal Code.

The prosecution case got initiated on the Fardbeyan of Bijay Kumar Singh, recorded by S.I. R. N. Sinha, Marhaura Police Station on 07.04.2013 at 9.30 P.M. to the effect that on the same day, while the informant was going to his house on a motorcycle, in the meantime, all three FIR named accused persons, including the petitioners, stopped the bike of the informant and abused him. Thereafter, petitioner no.2, Kamrula Quraishi caught hold the handle of the bike of the informant,



whereas, petitioner no.1, Kalam Quaraishi made the tyre of the bike puncture by means of knife. Thereafter, on the order of co-accused, Sahnawaj Quraishi, the petitioners caught hold the informant and co-accused, Sahnawaj Quraishi assaulted on the head of the informant with a knife and when the informant fell down on the ground, the accused persons got her injured by inflicting knife injury on his leg and hand.

It is submitted by learned counsel for the petitioners that specific accusation of causing injury to the informant has not been levelled against the petitioners, rather it has been levelled against co-accused, Sahnawaj Quraishi. It is further submitted that though the informant has received three injuries, but out of the three, only one injury has been found caused by sharp cut weapon. A statement has been made in paragraph no.3 of the petition that the petitioners are not having any criminal antecedent.

It is submitted by learned APP for the State that the petitioners are name in the FIR.

Considering the accusation being not corroborated by the medical opinion and specific accusation of assault has not been levelled against these petitioners, rather it has been levelled against co-accused, Sahnawaj Quraishi, coupled with



statement made in paragraph no.3 of the petition that the petitioners are not having any criminal antecedent, let the above named petitioners be released on anticipatory bail, in the event of arrest or surrender before the learned Court below within a period of 12 weeks from today, on furnishing bail bond of Rs.10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned ACJM, VIII, Saran at Chapra, in connection with Marhaura P.S. Case No.86 of 2013, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Dinesh Kumar Singh, J)

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