

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.62908 of 2018

Arising Out of PS. Case No.-309 Year-2017 Thana- MAHESI District- East
Champaran

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1. Parvej Kuraishi
2. Hamid Kuraishi,
3. Reja Kuraishi,
4. Payare Kuraishi
All are son of Mansur Kuraishi, Resident of Bada Mohalla Kaswa Mehsi,
P.S.- Mehsi, District- East Champaran.

... .. Petitioners

Versus

The State Of Bihar

... .. Opposite Party

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Appearance :

For the Petitioners : Mr. Ansul
Ms. Sagarika, Advocates.
For the Opposite Party: APP

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN
ORAL ORDER

3 14-02-2019 Heard learned counsel for the petitioners and learned
APP for the State.

2. The petitioners apprehend their arrest for the offences alleged under Sections 363, 366, 323, 341, 504/34 of the Indian Penal Code registered in connection with Mehsi P.S. Case No. 309 of 2017.

3. It is submitted that the petitioners have been falsely implicated and the accusation under Section 376 of the Indian Penal Code did not find place in the F.I.R. and was levelled subsequently in the so-called victim girl's statement under Section 164 Cr. P.C. against Javed Raja, on the basis of which cognizance under the said provision was taken. The accusation in that regard is not applicable in the case of the petitioners. There is inordinate delay in instituting the F.I.R. on 12.10.2017 for the alleged occurrence of 05.10.2017. There is no injury to



corroborate the accusation of assault by these petitioners which in any event is general and omnibus in nature. The petitioners claim clean antecedents.

4. Be that as it may, in the event of the petitioners' arrest or surrender before the court below within six weeks from the date of communication of this order, let the above named petitioners be released on bail on furnishing bail bond of Rs.10,000/- (ten thousand) each with two sureties of like amount each to the satisfaction of learned Chief Judicial Magistrate, East Champaran at Motihari in connection with Mehsi P.S. Case No. 309 of 2017, subject to the conditions as laid down under Section 438 (2) Cr.P.C., and also subject to the following further conditions:

(i) That one of the bailors of each of the petitioners shall be their close relatives other than the petitioners herein.

(ii) That the petitioners shall not indulge in any similar offence till conclusion of the trial.

(iii) That the petitioners shall cooperate with the investigation, if not already concluded, and make themselves available as and when so required and in case of failure, the State shall be at liberty to move for cancellation of bail.

(iv) That the petitioners shall remain physically present in Court on each and every date during trial and in the event of failure on two consecutive dates without sufficient reason, their bail bonds shall be liable to be cancelled by the learned Court concerned.

(Vikash Jain, J)

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