

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1410 of 2020

Arising Out of PS. Case No.-97 Year-2020 Thana- WARISLIGANJ District- Nawada

1. Md. Murshid, aged about 19 years, M, s/o Md. Khurshid Khan,
2. Tipu Khan , aged about 19 years, M, s/o Md. Mahmud Khan,
3. Irshad Khan, aged about 21 years, M, s/o Md Mahmud Khan,
4. Sona Khan, aged about 35 years, M, s/o Md Hanif Khan,
5. Nadeem Quaraishi, aged about 18 years, M, s/o Md. Mansoor Quaraishi, All
r/o - vill Murlachak, P.S.- Warsaliganj, Distt.- Nawada

... .. Appellant/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Appellant/s :	Mr. N.K. Agrawal, Sr. Advocate
For the Opposite Party/s :	Mr. Vibhuti Ranjan Sonvadra , Advocate
	Mrs. Usha Kumari

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

3 03-12-2020 Heard Mr. N.K. Agrawal, learned senior counsel for the appellants, Mr. Vibhuti Ranjan Sonvadra, learned counsel for the informant and Mrs. Usha Kumari, learned Special Public Prosecutor appearing for the State through video conferencing.

Learned senior counsel for the appellants submits that due to typographical error in the address of appellants district -Patna has wrongly been typed instead of district- Nawada. Learned counsel further submits that inadvertently due to typographical error instead of Spl. Case No. 68 of 2020, Spl. Case No. 08 of 2020 has been typed for correction of which a supplementary affidavit has been filed by the appellants.



Accordingly, necessary correction be made by the Office in the address of the appellants as well as in the Memo of Appeal pertaining to number of Spl. Case.

The present appeal is directed against the order dated 16.06.2020 passed in B.P. No. 1098 of 2020 and B.P. No. 1148 of 2020 by learned Spl. Judge (Schedule Caste / Schedule Tribe, Prevention of Atrocity Act) cum Addl. District & Sessions Judge, 1st Nawada whereby the prayer for regular bail of the appellants has been rejected in Spl. Case No. 68 of 2020 arising out of Warsaliganj P.S. Case No. 97 of 2020 registered for the offence under Section 147 , 148 , 149 , 341, 323, 307, 504 , 506 of the I.P.C., Section 27 of the Arms Act and Section 3 (1) (r) (s), 3 (2)(v) of the SC / ST (Prevention Of Atrocities) Act.

The allegation as per the First Information Report is that on the date of occurrence 28 named accused persons including the appellants and 20-25 unknown persons resorted to firing. It is further alleged that firing made by the co-accused Md. Irfan caused injury to three persons including the uncle of the informant Madan Ravidas, who died on the spot. It has further been alleged that due to firing made by the accused persons Kiran Devi, Ramkumar Ravidas, Ritesh Kumar, Hari Ravidas and Gautam Kumar also received injuries.



Learned senior counsel for the appellants submits that altogether 28 persons are named in the First Information Report along with 20-25 unknown persons. Learned counsel further submits there is specific allegation of firing in the First Information Report on the co-accused /Md. Irfan and the bullet allegedly fired by him hit the uncle of the informant who died subsequently. Learned counsel further submits that there is no specific allegation against the appellants and general and omnibus allegation has been levelled against all the accused persons. Learned counsel further submits that during the course of investigation it has come to light that five other accused persons were holding guns in their hands who also resorted to firing. Learned counsel further submits that during the course of investigation none of the witnesses has said that the appellants resorted to firing. Learned counsel for the appellants further submits that similarly situated named co-accused persons have been granted bail by this court in Cr. Appeal (SJ) No. 1373 of 2020.

On the other hand learned counsel for the informant and State vehemently opposed the prayer for bail and submits that the appellants are named in the First Information Report and all the accused persons with common intention fired upon



the side of the informant leading to the death of the uncle of the informant.

Having regard to the submissions made by learned counsel for the parties and taking into consideration the materials available on record and the fact that the allegation against the appellants are general and omnibus in nature and similarly situated co-accused persons have been granted bail, I am inclined to grant regular bail to the appellants.

Accordingly, let the appellants, above named, be released on regular bail on furnishing bail bond of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of learned Spl. Judge (Schedule Caste / Schedule Tribe, Prevention of Atrocity Act) cum Addl. District & Sessions Judge, 1st Nawada, in connection with Spl. Case No. 68 of 2020 arising out of Warsaliganj P.S. Case No. 97 of 2020.

It is made clear that at the time of furnishing bail bond all the parties shall follow the guidelines regarding social distancing.

(Anil Kumar Sinha, J)

praful/-

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

