

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1732 of 2020

Arising Out of PS. Case No.-249 Year-2018 Thana- HASPURA District- Aurangabad

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1. Saif Ali Quraishi @ Md. Arman, aged about 27 years, Male
 2. Raja Quaraishi @ Md. Irfan @ Irfan, aged about 22 yas, Male, both sons of Bigan Quraishi @ Nezamuddin Quraishi @ Md. Nijamudin Kureshi @ Nijamudin Kureishi, Resident of Village- Amjhar Sharif, P.S.- Haspura, District- Aurangabad.

... .. Appellant/s

Versus

1. The State of Bihar
2. Rajendra Chudhary, Son of Late Dwarik Chaudhary, Resident of Village- Amjhar Sharif, P.S.- Haspura, District- Aurangabad.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Sanjay Kumar, Advocate
For the State : Mr.Vinay Krishna, A.P.P.

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 21-12-2020 Heard the parties through the virtual court proceeding.

The appeal is against the order dated 29.02.2020 passed by learned 1st Additional District and Sessions Judge-cum-Special Judge (SC/ST), Aurangabad in A.B.P. No.264 of 2020, whereby the Anticipatory Bail Petition of the appellants in connection with Haspura P.S. Case No.249 of 2018 for the offences punishable under Sections 323, 341, 307, 504/34 of the Indian Penal Code and Sections 3 (i)(v), 3(1)(S) and 3(2) (V) of SC/ST (POA) Act, has been rejected.

The informant in his report has alleged that his dog's puppy was being stolen which his nephew saw and informant



also arrived and asked appellant no.1 to release the puppy but he was abused by caste name and further allegation is that all the F.I.R. named accused persons including appellant no.2 and he became unconscious.

Learned counsel for the appellants submits that the appellants have falsely been implicated in the present case. He further submits that Section 307 of I.P.C. is also not disclosed by the medical report which shows only abrasions and injuries are simple in nature. He further submits that the witnesses examined under Section 161 Cr.P.C. has not supported the prosecution case. The appellants have further submits that the appellants have got clean antecedent. He further submits that no Section of SC/ST Act is made out against the appellants. The appellants are on police bail.

In the facts and circumstances of the case, let the above named appellants be released on bail, in the event of their arrest or surrender before the learned court below within a period of six weeks from today on furnishing bail bond of Rs.25,000/- (twenty five thousand) each only with two sureties of the like amount each to the satisfaction of learned 1st Additional District and Sessions Judge-cum-Special Judge (SC/ST), Aurangabad in connection with Haspura P.S. Case



No.249 of 2018, subject to the condition as laid down under
Section 438(2) of the Cr.P.C.

Accordingly, the order dated 29.02.2020 is set aside
and appeal is allowed.

(Anjani Kumar Sharan, J)

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