

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3422 of 2021**

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

DOMAN QURAISHI @ AHMAD QURAISHI S/o Usman Quraishi R/o-
Vill- Murlachak, P.S.- Warsaliganj, Distt.- Nawada.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Amresh Kumar Sinha
For the Respondent/s : Mrs.Usha Kumari 1

**CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER**

2 03-09-2021 This matter is taken up for consideration through
Video Conferencing.

Heard learned counsel for the appellant and the State.

The present memo of appeal has been filed on behalf of the appellant for grant of bail against the order dated 23.07.2021 passed by learned Special Judge (SC/ST Act)-cum-Additional District & Sessions Judge Ist, Nawada in connection with Warsaliganj P.S. Case No. 97 of 2020 (Special Case No. 68 of 2020) under Sections 147, 148, 149, 341, 323, 307, 302, 504 and 506 of the Indian Penal Code and section 27 of the Arms Act and section 3(i)(r)(s)/3(ii)(r) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, whereby the prayer for bail of the appellant was rejected.

Prosecution case in brief is that 28 FIR named



accused persons including appellant and 20-25 unknown persons armed with various weapons are alleged to have abused and made indiscriminate firing.

It is submitted on behalf of the appellant that specific allegation of murderous assault is against Md. Irfan. So far as this appellant is concerned, there is general and omnibus allegation and no specific overt act has been alleged against him. Petitioner is alleged to be only the member of mob. No case under SC/ST Act is made out, as the occurrence has not taken place within public view. Similarly situated co-accused persons have been granted bail by this court vide Cr. APP (SJ) No. 1373 of 2020 order dated 14.09.2020. Appellant has got clean antecedent and he is in custody since 15.03.2021. Chargesheet has already been submitted.

Considering the aforesaid facts, this appeal is allowed. The impugned order dated 23.07.2021 passed by learned Special Judge (SC/ST Act)-cum-Additional District & Sessions Judge Ist, Nawada is set aside.

Let the appellant above-named, be released 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 learned Special Judge (SC/ST Act)-cum-Additional District & Sessions



Judge Ist, Nawada in connection with Warsaliganj P.S. Case No. 97 of 2020 (Special Case No. 68 of 2020), subject to following conditions:-

(i) The appellant shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the Court and in the event of failure on two consecutive dates without sufficient reasons, his bail bond shall be liable to be cancelled by the court below.

(ii) If the appellant tampers with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the appellant.

(Prabhat Kumar Singh, J)

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