

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.7750 of 2022

In
CRIMINAL MISCELLANEOUS No.24061 of 2021

Arising Out of PS. Case No.-294 Year-2020 Thana- BIKRAMGANJ District- Rohtas

ISARAIL QURAISHI, Son of Hakik Quraishi Resident of Mohalla - Rahmat Nagar, Quraishi Mohalla, Ward No. 22, Police Station - Bikramganj, District - Rohtas.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Krishna Prasad Singh, Sr. Advocate

Mr. Surendra Kumar Mishra, Advocate

For the Opposite Party/s : Mrs. Sharda Kumari, A.P.P

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 16-02-2022 Heard the parties through video conferencing.

Heard Sri Krishna Prasad Singh, learned Senior Counsel, assisted by Sri Surendra Kumar Mishra, learned counsel appearing on behalf of petitioner and Mrs. Sharda Kumari, learned A.P.P. for the State.

This application is filed for modification of order dated 06.12.2021 passed in Cr. Misc. No. 24061 of 2021.

Learned counsel appearing on behalf of petitioner submits that in compliance of order dated 29.11.2021 passed in Criminal Miscellaneous No. 24061 of 2021 in which he has filed supplementary affidavit in the present case on 30.11.2021 in which he has made specific statement about all the cases



pending against the petitioner, however, the said fact has not been taken note in the order dated 06.12.2021 by which the petitioner was released on bail with a condition that the Court below shall verify criminal antecedent of the petitioner and in case any other offence is found to be registered against the petitioner, this order shall automatically loose its effect.

Considering the aforementioned submissions of the petitioner and perusal of the record of Criminal Miscellaneous No. 24061 of 2021, the office, vide its notes dated 02.12.2021, has reported that supplementary affidavit was filed in the case. This Court finds force of learned counsel appearing on behalf of petitioner that the order dated 06.12.2021 was passed after filing of the said supplementary affidavit in which the petitioner has stated regarding all the criminal cases pending against him, which are as follows:

1.	Bikramganj P.S. Case No. 313 of 2017, U/s 429, 153A, 295A/34 of I.P.C. and Section 11(i) of Prevention of Cruelty to Animal Act, 1960.	Petitioner has been granted bail by this Court vide order dated 29.06.2018 passed in Criminal Miscellaneous No.32162 of 2018.
2.	Bikramganj P.S. Case No. 578 of 2018, U/s 429, 153A, 295A, 120B/34 of I.P.C., Section 11 of Prevention of Cruelty to Animal Act, 1960, Section 345, 429 of Bihar Municipal Act and Section 79 of Bihar Police Act.	Petitioner has been granted bail by Addl. Sessions Judge-1, Sasaram vide order dated 26.04.2019 passed in A.B.P. No. 659 of 2019.
3.	Bikramganj P.S. Case No. 579 of 2018, U/s 147, 148, 149, 353, 307, 427, 332, 333, 323, 325 and 120B of I.P.C.	Petitioner has been granted bail by this Court vide order dated 27.06.2019 passed in Criminal Miscellaneous No. 39325 of 2019.
4.	Bikramganj P.S. Case No. 495 of 2019, U/s 429, 153A, 235A/34 of I.P.C. and Section 11 of Prevention of Cruelty to Animal Act, 1960 R/w Section 429 of Bihar Municipality Act, 2007.	Petitioner has been granted bail by this Court vide order dated 28.02.2020 passed in Criminal Miscellaneous No. 7383 of 2020.



5.	Bikramganj P.S. Case No. 550 of 2019, U/s 429, 153A, 295A/34 of I.P.C., Section 11 of Prevention of Cruelty to Animal Act, 1960 and Section 345, 429 of Bihar Municipal Act, 2007.	Petitioner has been granted bail by Addl. Sessions Judge-IV, Rohtas at Sasaram, vide order dated 01.09.2021 passed in B.P. No. 1015 of 2021.
6.	Bikramganj P.S. Case No. 402 of 2020, U/s 429, 153A, 295A/34 of I.P.C., Section 11 of Prevention of Cruelty to Animal Act, 1960, Section 345 of Bihar Municipal Act.	Petitioner has been granted bail by Addl. Sessions Judge-XX, Rohtas at Sasaram vide order dated 08.01.2021 passed in B.P. No. 919 of 2020.

Considering the aforementioned facts and circumstances of the case, the Court below is directed to obtain a report with respect to the criminal antecedent of the petitioner and if no other cases are pending against the petitioner as on the date of the filing of the Criminal Miscellaneous No. 24061 of 2021 from the Superintendent of Police, Rohtas and if no other cases, as mentioned above, is pending against the petitioner, the petitioner shall be released forthwith on condition as already enumerated in order dated 06.12.2021 passed in Criminal Miscellaneous No. 24061 of 2021 and to the aforesaid effect the order dated 06.12.2021 passed in Criminal Miscellaneous No. 24061 of 2021 is modified.

Accordingly, the present modification application stands allowed.

(Purnendu Singh, J)

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