

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9551 of 2022

Arising Out of PS. Case No.-562 Year-2021 Thana- BARACHATTI District- Gaya

Md Asraf Kuraishi, Son of Abbas Quraishi, Resident of Village - Bajarkar,
P.s.- Barachatti, Distt.- Gaya.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Surendra Kishore Thakur, Advocate
For the Opposite Party/s	:	Mr.Uday Chand Prasad, A.P.P.
For the Informant	:	Mr. Kumar Nikhil, Advocate

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

3 19-12-2022 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

Let the defect (s), if any, as pointed out by the office,
be removed within a period of four weeks.

In the present case, the petitioner seeks bail in
connection with Barachatti P.S. Case No. 562 of 2021 registered
for the alleged offences under Sections 147, 148, 149, 323, 341,
324, 326, 307, 504 and 506 of the Indian Penal Code and under
Section 27 of the Arms Act.

As per prosecution case, petitioner and a number of
co-accused persons armed with rifle, pistol, *lathi* and *danda* came
to a playground and they opened fire. A number of persons
received fire arm injuries. The petitioner and co-accused persons
also exploded bombs causing further injuries to the victims. The

allegation against the petitioner is that he hit on the face of the informant with butt of the pistol.

Learned counsel for the petitioner submits that petitioner is innocent and has been falsely implicated in this case. There is case and counter case between the parties and Barachatti P.S. Case No. 561 of 2021 was lodged by Ali Akbar Quraishi. For the same occurrence, Akhtari Khatun has filed Barachatti P.S. Case No. 570 of 2021. Learned counsel further submits that only allegation against the petitioner is that he hit on the face of the informant with butt of the pistol and there is no further specific allegation against this petitioner. The prosecution has failed to explain the injuries on the petitioner's side. Learned counsel further submits that entire family members of the petitioner have been made accused in this case. Charge sheet has been submitted in this case and the petitioner is in custody since 27.09.2021.

Learned A.P.P. for the State as well as learned counsel appearing on behalf of the informant oppose the prayer for bail of the petitioner. Learned counsel for the informant submits that there is specific allegation against this petitioner for hitting on the face of the informant with his pistol.

Having regard to the facts and circumstances and submission made on behalf of the parties and considering the

nature of allegation along with submission of charge sheet and period of custody of the petitioner, the petitioner above named is directed to be released on bail on furnishing bail bond of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate, Sherghati, District-Gaya in connection with Barachatti P.S. Case No. 562 of 2021, subject to the conditions mentioned in Section 437(3) of the Code of Criminal Procedure and also the following conditions:

- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present on each and every date fixed by the court below.
- (iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

Gautam/daya

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