

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.14657 of 2022

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

1. MD. AFSAR RAZA @ MD. AFSAR QURAISHI Son of Md. Asraf Quraishi Resident of Village - Bajarkar, P.S.- Barachatti, District - Gaya.
2. Md. Ashar Raza @ Kaila Quraishi Son of Md. Ashari Quraishi Resident of Mohalla - Quasab Tola, P.S.- Civil Line Gaya, District - Gaya.
3. Asgar Alam @ Asgar Quraishi Son of Md. Abbas Quraishi Resident of Village - Bajarkar, P.S.- Barachatti, District - Gaya.
4. Md. Zahid Quraishi @ Tinku Quraishi Son of Md. Abbas Quraishi Resident of Village - Bajarkar, P.S.- Barachatti, District - Gaya.
5. Nasir Alam @ Nasir Quraishi Son of Md. Abbas Quraishi Resident of Village - Bajarkar, P.S.- Barachatti, District - Gaya.
6. Yehsan Alam Son of Md. Zamal Alam Resident of Village - Sharwan Bazar, P.S.- Barachatti, District - Gaya.
7. Raza Alam Son of Md. Zamal Alam Resident of Village - Sharwan Bazar, P.S.- Barachatti, District - Gaya.
8. Md. Anzar Raza @ Anzar Raza @ Anzar Quraishi Son of Asraf Quraishi Resident of Village - Sharwan Bazar, P.S.- Barachatti, District - Gaya.
9. Md. Tausif Raza @ Tausif Raza Son of Md. Shamim Quraishi Resident of Village - Sahadat Chowk, P.S.- Chatra, District - Chatra (Jharkhand).

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Surendra Kishore Thakur
For the Opposite Party/s	:	Mr.Ashok Kumar Singh
For the Informant		Mr. Kumar Nikhil
		Mr. Saurav Barial
		Mr. Navneet Prabhakar

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

4 16-11-2022 Heard learned counsel for the petitioners and learned
APP for the State.

The instant application for anticipatory bail has been filed
by the petitioners apprehending their arrest in connection with



Barachatti P.S. Case no. 562 of 2021 instituted for the offence punishable under Sections 147, 148, 149, 323, 341, 324, 326, 307, 504 and 506 of the Indian Penal Code and Section 27 of the Arms Act.

As per allegation in the FIR, several accused persons including the petitioners armed with rifles, gun, pistol, lathi danda assaulted the informant and others. When they tried to flee away, all the accused persons surrounded them and petitioner no. 8 fired upon Sabi Alam as a result of which he sustained bullet injury in his leg and thereafter, all persons started indiscriminate firing. When aunt of the informant came there to rescue the informant, co-accused Babloo Quraishi fired on her leg. Petitioner no. 1 assaulted with butt of the pistol on the face of the informant due to which he got injury in his lip. It is further alleged that they thrown bomb by which many persons sustained injuries.

Learned counsel appearing on behalf of the petitioners has submitted that petitioners are innocent and have committed no offence. General and omnibus allegations have been levelled against the petitioners. There is case and counter case. Both parties are co-villagers. There was free fight between both parties. In the alleged incident, members of both sides have received injuries. For the same occurrence, on the statement of Akhjtari Khatoon, another case Barachatti P.S. Case No. 570 of 2021 has also been lodged against the petitioners.



Learned APP appearing for the State has opposed the prayer of Bail and submitted that there is direct allegation against petitioner no. 8 of firing which hit the leg of Sabbi Alam.

Having heard learned counsel for the parties and in the facts and circumstances of the case as stated above, this Court is inclined to enlarge all the petitioners except petitioner no. 8 on bail. They are directed to surrender in the Court below within a period of four weeks from today and in the event of their arrest or surrender in connection with Barachatti P.S. Case no. 562 of 2021, they will be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned ACJM, Sherghati, Gaya subject to the conditions as laid down under section 438(2) of the Cr.P.C.

So far as petitioner no. 8 is concerned, there is direct allegation of firing against him, which hit the leg of Sabi Alam, I am not inclined to enlarge him on bail. His prayer for anticipatory bail stands rejected.

(Sunil Kumar Panwar, J)

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