

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19175 of 2022

Arising Out of PS. Case No.-300 Year-2017 Thana- LAHERIMUHALLA District- Nalanda

MD AFROZ @ MD AFROZ QURAISHI SON OF MD. USMAN
RESIDENT OF VILLAGE- 25, KOHNA SARAI KHANKAH GALI,
POLICE STATION- BIHARSHARIF, DISTRICT- NALANDA

... .. Petitioner/s

Versus

The State of Bihar BIHAR

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 19993 of 2022

Arising Out of PS. Case No.-300 Year-2017 Thana- LAHERIMUHALLA District- Nalanda

1. MD. JAMAL UDDIN @ MD. JAMAL QURAISHI SON OF JALIL AHAMMAD @ MD. JALIL UDDIN R/O VILLAGE- KOHNA SARAY, P.S.- BIHARSHARIF, DISTRICT- NALANDA
2. CHUNNU QURAISHI @ MD. ASHRAF JAWED @ CHUNNU SOSN OF MD. MOIN UDDIN R/O VILLAGE- KOHNA SARAY, P.S.- BIHARSHARIF, DISTRICT- NALANDA
3. KAISAR QURAISHI @ MD. KAISAR SON OF MD. KALIM UDDIN R/O MOHALLA- KHANQUAH, WARD NO.-40, P.S.- BIHARSHARIF, DISTRICT- NALANDA

... .. Petitioner/s

Versus

The State of Bihar BIHAR

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 19175 of 2022)

For the Petitioner/s : Mr. Raghunandan Kumar Singh, Adv

For the Opposite Party/s : Mr. Ganesh Prasad Singh, APP

(In CRIMINAL MISCELLANEOUS No. 19993 of 2022)

For the Petitioner/s : Mr. Raghunandan Kumar Singh, Adv

For the Opposite Party/s : Mr. Zainul Abedin, APP

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 18-08-2022 Heard the parties.

Learned counsel for the petitioners undertakes to remove



the defects within four weeks of resumption of normal court proceedings. In the eventuality of non-removal of defects within stipulated period, office will place the matter before the Bench.

The petitioners apprehend their arrest in a case registered for the offence punishable under section 147, 148, 149, 323, 307, 337, 338, 332, 353, 427, 503, 153(A), 295(A), 188, 120(B) of the Indian Penal Code and section 27 of the Arms Act as well as section 3/4 of the Explosives Act and section 3 of Prevention of Damage to Public Property Act.

Allegedly, F.I.R. has been lodged against 83 named accused persons and 500 to 600 unknown persons for attacking the policemen with bricks and firing and bombing on them, due to which a policeman on duty and many others were injured. This act created a situation of communal riots in the city.

It is submitted by learned counsel for the petitioners that petitioners are quite innocent and have committed no offence. They have been falsely implicated in this case. No such occurrence, in the manner as alleged, has ever taken place. The allegation leveled against the petitioners is not specific rather general and omnibus in nature. The F.I.R. was lodged against 83 named accused persons and 500 to 600 unknown persons. Similarly situated co-accused has been granted bail by a co-



ordinate bench of this court vide order dated 09.10.2017 in Cr. Misc. No. 45771 of 2017. There is no specific overt act against the petitioners. Petitioners have no criminal antecedent, as also mentioned in para-3 of the bail applications.

Learned APP for the State opposed the prayer for anticipatory bail.

Having regard to the facts and circumstances of the case, since similarly situated co-accused has been granted bail, let the above named petitioners 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/- (Rupees Twenty Five Thousand) **each** with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/Successor Court in Laheri P.S. Case No. 300 of 2017, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Anjani Kumar Sharan, J)

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