

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25467 of 2022

Arising Out of PS. Case No.-193 Year-2021 Thana- MOUZAHDIPUR District- Bhagalpur

Rahmat Quraishi Son of Yasin @ Md. Yasin Quraishi Resident of Mohalla -
Maulanachak, P.S.- Mojahidpur, District - Bhagalpur.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Md. Najmul Hodda, Sr. Advocate

For the Opposite Party/s : Mr.Ashok Kumar Singh,APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 17-08-2022 Heard learned Senior Counsel for the petitioner, the
informant and Mr. Ashok Kumar Singh, learned APP for the
State.

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

The petitioner is in custody in connection with S.T.
No. 658 of 2021 arising out of Mojahidpur (Babarganj) P.S.
Case No. 193 of 2021 under sections 302, 120(B) of the Indian
Penal Cod and Section 27 of the Arms Act.

As per the allegation in the FIR, when the
informant was going to home from market, it is alleged that the
accused persons came on motorcycle and started abusing him.
When this was objected by him, it is alleged that they entered
his house and accused Zeba came out with the arms. As the



informant tried to enter his house and the accused following, it is alleged that his daughter Bibi Kajal came to his rescue when Md. Inteshar opened fire which struck the stomach of his daughter who was eight month's pregnant. As a result thereof, she died.

The learned Senior Counsel submits that specific allegation is against Md. Inteshar of opening fire. At best, the other accused persons including the petitioner herein can be said to be part of that illegal assembly where the informant was abused and that led to the final assault by Md. Inteshar. He lastly submits with the help of supplementary affidavit that some co-accused namely Md. Imtiaz, Md. Izhar, Md. Shahzada and Md. Zeba have been released on bail vide Cr. Misc. No. 67239 of 2021, Cr. Misc. No. 68463 of 2021, Cr. Misc. No. 8731 of 2022 and in Cr. Misc. No. 12538 of 2022 vide orders dated 16.5.2022, 16.5.2022, 17.5.2022 and 17.5.2022 respectively.

Let the same be kept on record.

The learned counsel for the informant and the State have jointly submit that although, similarly situated co-accused have been released on bail, taking into account the criminal antecedents of the petitioner, he does not deserve bail.

Considering the fact that specific allegation has



been alleged against Md. Inteshar, the petitioner is in custody since 7.8.2021 (as stated in para-1 of the bail application) as also the fact that similarly situated other co-accuseds have been released on bail, this Court is inclined to grant him the privilege of bail with strict conditions in view of the fact that he has criminal antecedent.

Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of like amount each to the satisfaction of learned Additional District & Sessions Judge-V, Bhagalpur, in connection with S.T. No. 658 of 2021 arising out of Mojahidpur (Babarganj) P.S. Case No. 193 of 2021 subject to the following conditions:

(i) one of the bailors should be the family members of the petitioner, who shall provide official document to show his/her bona fide;

(ii) the petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reasons will entail his cancellation of bail by the Trial Court itself;

(iii) he shall appear before the concerned police station every fortnight till conclusion of the trial to mark his presence;



(iv) he shall in no way try to induce or promise or threat the witnesses or tamper with the evidence, failing which the State shall be at liberty to take steps for cancellation of his bail bonds;

(v) the petitioner shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of his bail bonds.

With the aforesaid observations, the bail application is allowed.

(Rajiv Roy, J)

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