

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.6166 of 2023

Arising Out of PS. Case No.-570 Year-2021 Thana- BARACHATTI District- Gaya

MD. ASHAR RAZA @ KAILA QURAISHI S/o Ashraf Quraishi At present -
Mohalla- Kasab Tola, Bari Road, P.S.- Kotwali, Distt- Gaya. R/o Village-
Bajarkar, P.S.- Barachatti, Distt- Gaya.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Praveen Kumar, Advocate

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

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

3 09-05-2023 Heard learned counsel appearing on behalf of the
petitioner and learned APP appearing on behalf of the State.

Let the defect(s), if any, be removed within a period
of four weeks from today.

The petitioner seeks bail in connection with
Barachatti P. S. Case No. 570 of 2021 registered for the offence
under Sections 147, 148, 149, 323, 341, 354-B, 307, 504, 506 of
the Indian Penal Code and Section 27 of the Arms Act.

The accused/petitioner is named in the F.I.R. and is in
custody since 19.07.2022.

The allegation against the petitioner is to to open fire
upon informant, along with other co-accused persons, causing
fire arm injury on leg of the informant, having intention to cause



his death, where occurrence took place out of children quarrel.

Learned counsel appearing on behalf of the petitioner submitted that occurrence is free fight in nature, where both parties received injuries and, as such, it cannot be said that petitioner was under intention to cause death of injured. It is submitted that specific allegation of firing is available against co-accused persons, namely, Tinku Quraishi and Bablu Quraishi, whereas though this petitioner alleged to be equipped with firearm but allegation of firing is not available against this petitioner, negating his intention to cause death of informant. It is further submitted that a case was also lodged by the petitioner's side which is registered as Barachatti P. S. Case No. 561 of 2021. While concluding the argument, it is submitted that petitioner found involved in two criminal cases where he is on bail in one case and, moreover, investigation of this case is completed, for which, charge-sheet has submitted, as such, there is no chance of tampering with the evidence.

Learned APP opposes the prayer of bail.

In view of the facts and circumstances as mentioned above, as allegation of firing is not available against this petitioner, rather same is available against co-accused persons, namely, Tinku Quraishi and Bablu Quraishi, coupled with the



fact that charge-sheet has already submitted, let the petitioner, above named, is directed to be released on bail in connection with Barachatti P. S. Case No. 570 of 2021 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-1st Class, Shergati, Gaya/concerned Court, subject to the conditions as laid down u/s 437(3) of the Cr.P.C.

(Chandra Shekhar Jha, J)

R.S.Sen/-

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