

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40671 of 2023

Arising Out of PS. Case No.-38 Year-2021 Thana- NAANPUR District- Sitamarhi

1. MD. SHOAIB KURAISHI SON OF NEK MOHAMMAD KURAISHI @ NEK MOHAMMAD RESIDENTS OF VILLAGE - FAIZPUR , PS- NANPUR, DISTT- SITAMARHI
2. MD. ALI HUSAIN @ SONU SON OF LATE MD. ALIMUDDIN KURAISHI @ ALIMUDDIN RESIDENTS OF VILLAGE - FAIZPUR , PS- NANPUR, DISTT- SITAMARHI
3. IRFAN KURAISI @ PRAVEJ SON OF MD. KHURSHED KURAISHI RESIDENTS OF VILLAGE - FAIZPUR , PS- NANPUR, DISTT- SITAMARHI
4. JAFAR KURAISI @ JAFRE KURAISI SON OF LATE ABDUL MAJEED KURAISI RESIDENTS OF VILLAGE - FAIZPUR , PS- NANPUR, DISTT- SITAMARHI
5. BADARE ALAM KURAISHI SON OF NEK MOHAMMAD KURAISI @ NEK MOHAMMAD RESIDENTS OF VILLAGE - FAIZPUR , PS- NANPUR, DISTT- SITAMARHI
6. KAMARE ALAM @ IDU KURAISI SON OF ALAUDDIN KURAISI RESIDENTS OF VILLAGE - FAIZPUR , PS- NANPUR, DISTT- SITAMARHI

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Uday Kumar, Advocate
For the Opposite Party/s : Mr. Ram Anurag Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 28-07-2023 Heard learned Senior Counsel for the petitioners,

and learned counsel for the State.

The petitioners apprehend their arrest in connection

with Nanpur P.S. Case No. 38 of 2021 for the offence

punishable under Sections 341, 323, 324, 354A, 307, 379 and

506/34 of the I.P.C lodged on 13.02.2021 by the informant



Chamkila Khatoon.

As per the prosecution story, the allegation is that all the accused persons armed variously came and started abusing on the question of taking possession of ancestral land and further allegation is that the petitioner no. 1 (Md. Shoaib Kuraishi) outraged the modesty of the sister-in-law of the informant and further when the informant tried to save her, she was assaulted on her head by the said petitioner no. 1 by '*sword*' causing injury. The further allegation against the other accused persons is/are omnibus in nature of assault as also on the petitioner no.3 (Irfan Kuraisi @ Pravej) having caught hold of her hair. Accordingly, the FIR.

Considering the fact that there is direct allegation of used of '*sword*' on her head attributed to petitioner No.1, Md. Shoaib Kuraishi, the anticipatory bail application stands rejected.

So far as petitioner nos. 2 to 6 are concerned, in view of the omnibus nature of allegation and further the matter relates to land dispute, this Court is inclined to extend them the privilege of anticipatory bail with conditions.

Let the petitioner nos. 2 to 6 in the event of their arrest or surrender within a period of four weeks from the date



of the receipt of the order, 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 S.D.J.M., Pupri at Sitamarhi, in connection with Nanpur P.S. Case No. 38 of 2021, subject to condition as laid down under Section 438(2) of the Cr.P.C.

(i) one of the bailor should be the family member of the petitioner who shall provide official document to show his bona fide;

(ii) the petitioner nos. 2 to 6 shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of their bail bond by the Trial Court itself;

(iii) the petitioner nos. 2 to 6 shall appear before the concerned police station every fortnight for next six months to mark their attendance;

(iv) the petitioner nos. 2 to 6 shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(v) the petitioner nos. 2 to 6 shall desist from committing any criminal offence again, failing which the State



shall be at liberty to take steps for cancellation of their bail bonds.

With the aforesaid observations, the anticipatory bail application of petitioner nos. 2 to 6 are allowed while that of petitioner no. 1 is rejected.

(Rajiv Roy, J)

Jagdish/Jyoti/-

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