

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47904 of 2023

Arising Out of PS. Case No.-794 Year-2021 Thana- SASARAM NAGAR District- Rohtas

1. Arif Quairaishi @ Md. Arif Son Of Isha Quairaishi R/O Village Hariharganj, P.S.- Nasriganj, Dist.- Rohtas
2. Irfan Quairaishi @ Md. Irfan Alam Son Of Isha Quairaishi R/O Village Hariharganj, P.S.- Nasriganj, Dist.- Rohtas
3. Firdous Quairaishi @ Md. Firdous Quairaishi @ Md. Firdous Son Of Isha Quairaishi R/O Village Hariharganj, P.S.- Nasriganj, Dist.- Rohtas

... .. **Petitioners**

Versus

The State of Bihar

... .. **Opposite Party**

Appearance :

For the Petitioner/s : Mr.Chandra Mohan Jha, Advocate
For the Opposite Party/s : Mr.Nawal Kishore Prasad, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 11-08-2023 Heard learned counsel for the petitioners and learned
APP for the State.

2. The petitioners, in the present case, are seeking pre-arrest bail in connection with Sasaram (T) P.S. Case No. 794 of 2021 registered for the offences punishable under Sections 341, 379, 323, 406, 504, 506/34 of the Indian Penal Code. They have no criminal antecedent as stated in paragraph '3' of the application.

3. As per the prosecution story, on 19.09.2019 petitioner no. 1 had taken loan of Rs. 1,70,000/- from the informant for purpose of solemnizing marriage. The said amount was given to the petitioner no. 1 for one year and when



the informant demanded the money after one year ,petitioner no. 1 refused to return the same. He sent legal notice to the petitioners thereafter all the petitioners came at the house of the informant and assaulted him.

4. Learned counsel for the petitioners submits that petitioners have been falsely implicated in this case. Learned counsel submits that there being no specific allegation of any overt act against the petitioners.

5. Learned A.P.P. for the State as well as learned counsel for the informant have opposed the prayer for anticipatory bail of the petitioners.

6. Having regard to the nature of allegations wherein the alleged occurrence is said to have taken place on account of non-refund of Rs. 1,70,000/- allegedly taken by the petitioner no. 1 from the informant, there being no specific allegation of commission of overt act and the kind of allegations of assault are not substantiated by any injury report, the petitioners have otherwise no criminal antecedent, hence, this Court directs that in case of their arrest/surrender within a period of four weeks from today, let the petitioners above-named be enlarged on bail on furnishing of bail bond of Rs. 25,000/- (twenty five thousand) each with two sureties of the like amount each to the



satisfaction of learned Chief Judicial Magistrate, Sasaram, Rohtas in connection with Sasaram (T) P.S. Case No. 794 of 2021, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

7. And further condition that the court below shall verify the criminal antecedent of the petitioners and in case at any stage it is found that the petitioners have concealed their criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioners. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajeev Ranjan Prasad, J)

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