

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48070 of 2023

Arising Out of PS. Case No.-275 Year-2023 Thana- SASARAM NAGAR District- Rohtas

1. FIROJ KURAISHI, Son Of Sakil Kuraishi @ Md. Shakil Quraishi, Village- Shahjalalpir Madar Darbaza, P.S.- Sasaram (T), District- Rohtas
2. IRFAN KURAISHI, Son Of Sadik Kuraishi, Village- Shahjalalpir Madar Darbaza, P.S.- Sasaram (T), District- Rohtas

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Krishna Pd. Singh, Sr. Adv.
Mr. Rakesh Singh, Adv.
For the Opposite Party/s : Mr. Ganesh Prasad Singh, APP

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

2 03-08-2023 1. Heard learned senior counsel for the petitioners
and learned APP for the State.

2. Petitioners seek regular bail in connection with
Sasaram Town P.S. Case No. 275 of 2023 dated 31.03.2023
registered for the offence(s) punishable under Section(s) 147,
148, 149, 188, 153(A), 341, 342, 323, 337, 338, 353, 307, 427,
435, 436, 504, 505 and 506 of the Indian Penal Code, Section
27 of the Arms Act and later on Section 302 of the Indian Penal
Code was added.

3. The main submissions advanced by petitioners'
counsel are that the petitioners have been languishing in jail
since 01.05.2023 having fair and clean antecedent and a mob of



more than 200 persons comprising of both the communities were alleged to have attacked people and torched the houses, in which one person lost his life during treatment many days after the commission of the alleged occurrence, though the petitioners are named in the FIR but there is no specific allegation against them rather the allegations are general and omnibus and a communal clash in between two groups of different religion was the main reason of commission of the alleged occurrence and several co-accused persons of both the communities, who have been made accused in the FIR, have been granted bail by this Bench and different Benches of this Court vide orders passed in Cr. Misc. Nos.43794 of 2023, 40435 of 2023, 41274 of 2023, 41338 of 2023, 42775 of 2023 and 42157 of 2023 and the petitioners are quite innocent persons and they have been falsely roped in this case.

4. Learned APP appearing for the State has opposed the prayer for bail.

5. Having regard to the facts and circumstances of this case, considering the above submissions and mainly considering the fair and clean antecedent of the petitioners and also taking into account the fact that though the petitioners are named in the FIR but there is no specific allegation against them and a mob of



more than two hundred persons of two communities clashed with each other on account of some communal disturbances and as per submission made by petitioners’ counsel, several co-accused persons of both the sides have been granted bail, in my opinion, a lenient approach can be taken in respect of the petitioners’ prayer for bail. Accordingly, let the petitioners named-above be enlarged on bail on furnishing bail bonds of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the concerned Court in connection with Sasaram Town P.S. Case No. 275 of 2023.

(Shailendra Singh, J.)

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