

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60479 of 2022

Arising Out of PS. Case No.-631 Year-2021 Thana- SIWAN CITY District- Siwan

MAHAFUJ KURAISHI Son of Idrish Kuraishi Resident of Sheakh Mohalla,
P.s- Siwan Town, Dist- Siwan

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Raghav Prasad, Advocate
For the Opposite Party/s : Mr. Rajendra Singh, APP

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

6 11-07-2023 Heard learned counsel for the petitioner and Rabindra
Kumar, learned A.P.P. for the State.

The petitioner apprehends his arrest in a case registered for the offences punishable under Sections 365, 364, 302, 201, 120(B) and 34 of the Indian Penal Code.

Learned counsel for the petitioner submits that the petitioner is a person with clean antecedent and the informant alleges that her son Vishal alongwith Anshu and Parmendar Yadav left his home on his Scorpio Vehicle, but did not returned, thereafter the next day i.e., on 08.11.2021, she received an information from Meerganj Police Station that Scorpio was lying unclaimed, accordingly she went to the Police Station but was not able to get any information regarding her son.

Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the case, it is next



submitted that the FIR was against unknown and during course of investigation it surfaced that Vishal alongwith his friends worked for dreaded criminal Ayub Khan and used to extort extortion in Siwan, further he started swindling the extortion money and was planning to eliminate Ayub Khan and Ayub Khan came to know about his plan and thus to eliminate Vishal he hatched a conspiracy and on 02.11.2021 Vishal alongwith his friends were taken to Muzaffarpur but there the plan was not executed, thereafter Chandan and Sandeep were given responsibility to call Vishal at Bibi ka Bangra on 07.11.2021, but Chandan backed up, thus Sandeep took Vishal and his friends to Bibi ka Bangra on 07.11.2021, where from before Ayub Khan with other accused persons including the petitioner were present, further Vishal alongwith his friends were served tea laced with intoxicant and after consuming the tea they became unconscious and Ayub Khan took them by another vehicle to Siswan where on his orders they were killed and the body was chopped into pieces.

The learned counsel for the petitioner submits that the petitioner came to be implicated in the case during the course of investigation with an allegation that he alongwith Ayub Khan and other accused persons were also present at Bibi ka Bangra



on 07.11.2021 when Sandeep brought Vishal and his friends, it is next submitted that petitioner completely fails to comprehend as to how and why and in what connection his name transpired when he has nothing to do with Ayub Khan, it is further submitted that petitioner is a businessman and is a wholesale dealer of leather and is an Income Tax and GST payee, it is thus submitted that no businessman would indulge in an act to bring disrepute to his own business. The learned counsel for the petitioner submits at best the entire allegation hinges around suspicion as during the course of investigation it has not come that even petitioner was involved in the killing of Vishal and his friends except for the fact that he was also present at Bibi ka Bangra where the occurrence of killing did not take place.

The learned counsel for the petitioner next submits that petitioner will not abscond rather will cooperate in the investigation and will present himself as and when required by the Investigating Officer for eliciting the truth.

Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioner.

Considering the submissions made by the learned counsel for the petitioner, the petitioner above-named, in the event of his arrest or surrender before the learned trial court



within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned trial court where the case is pending/successor court in connection with Siwan Town P.S. Case No. 631 of 2021 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

However, it is made clear that in the event, if the Investigating Officer of the case files an application before the learned trial court bringing to its notice that petitioner despite giving assurance to this Court is not cooperating in the investigation or is not presenting himself when called the learned trial court shall be at liberty to cancel the bail bonds of the petitioner after recording reasons and thereafter to take all coercive steps to ensure that the petitioner is behind bars.

Let a copy of this order be sent to the concerned P.S. through the learned trial court.

(Satyavrat Verma, J)

Adnan/-

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