

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9296 of 2024

Arising Out of PS. Case No.-350 Year-2023 Thana- ARIYARI District- Sheikhpura

1. Azad Kuraishi SON OF JHUMAN KURAISHI @ JUMMAN KURAISHI
RESIDENT OF VILLAGE- HUSSAINBAD, PS- ARIYARI, DIST-
SHEIKHPURA
2. GUNNU KURAISHI SON OF JHUMAN KURAISHI @ JUMMAN
KURAISHI RESIDENT OF VILLAGE- HUSSAINBAD, PS- ARIYARI,
DIST- SHEIKHPURA
3. SHAHZAD KURAISHI SON OF JHUMAN KURAISHI @ JUMMAN
KURAISHI RESIDENT OF VILLAGE- HUSSAINBAD, PS- ARIYARI,
DIST- SHEIKHPURA
4. SHAMSHAD KURAISHI SON OF JHUMAN KURAISHI @ JUMMAN
KURAISHI RESIDENT OF VILLAGE- HUSSAINBAD, PS- ARIYARI,
DIST- SHEIKHPURA
5. JHUNNU KURAISHI SON OF JHUMAN KURAISHI @ JUMMAN
KURAISHI RESIDENT OF VILLAGE- HUSSAINBAD, PS- ARIYARI,
DIST- SHEIKHPURA
6. CHHOTU KURAISHI SON OF JHUMAN KURAISHI @ JUMMAN
KURAISHI RESIDENT OF VILLAGE- HUSSAINBAD, PS- ARIYARI,
DIST- SHEIKHPURA
7. JUMMAN KURAISHI @ MUMTAZ KURAISHI SON OF NANDU
KURAISHI RESIDENT OF VILLAGE- AMRATH, PS AND DIST- JAMUI

... .. Petitioner/s

Versus

The State of Bihar BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Pankaj Kumar, Advocate
For the Opposite Party/s : Mr. Raj Ballabh Singh, APP
For the Informant : Mr. Rabindra Pd. Singh, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

5 08-05-2024

Heard the parties.

2. The petitioners are apprehending their arrest in
connection with Ariyari P.S. Case No. 350 of 2023 for the
offence under sections 506, 379, 341, 323, 307, 34, 504 of the



I.P.C. lodged on 16.11.2023 by the informant, Naushad Kuraishi.

3. As per the prosecution story, the informant alleged that on 06.11.2023 when he alongwith his brother reached the home, the accused persons armed variously came and started abusing the family members. Upon protest, the assault. The main allegation is against Azad Kuraishi (petitioner no. 1) and Jhunnu Kuraishi (petitioner no. 5) of causing injury on the head of the informant's son, who fell unconscious. Further, allegation of snatching of gold chain and amount, they were taken to Sadar Hospital, Sheikhpura and then to Pawapuri. Accordingly, the FIR.

4. Learned counsel for the petitioners submit that during the pendency of petition, petitioner no. 2 and 5 were arrested and as such, by order dated 09.04.2024/16.04.2024, the same has already been dismissed as infructuous.

5. It is his further submission that save and accept Azad Kuraishi and Jhunnu Kuraishi, omnibus allegation is/are against other accused persons.

6. Learned counsel for the informant opposes the prayer stating that petitioner no. 1 is Azad Kuraishi and there is specific allegation of assault of causing injury on the head of the



informant's son, who fell unconscious.

7. Taking into account the fact that there is direct allegation against petitioner no. 1, Azad Kuraishi, his anticipatory bail stands rejected.

8. So far as Shahzad Kuraishi, (petitioner no. 3), Shamshad Kuraishi (petitioner no. 4), Chhotu Kuraishi (petitioner no. 6) and Jumman Kuraishi (petitioner no. 7) are concerned, omnibus allegation is/are against them, though they have criminal antecedent, taking into account the kind of allegation that has come against them, this Court is inclined to extend them the privilege of anticipatory bail with conditions.

9. Let the petitioner nos. 3, 4, 6 and 7 namely, Shahzad Kuraishi, Shamshad Kuraishi, Chhotu Kuraishi and Jumman Kuraishi respectively be released on bail in the event of arrest or surrender within a period of four weeks from the receipt of this order, on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of like amount each to the satisfaction of learned A.C.J.M. 1st, Sheikhpura, in connection with Ariyari P.S. Case No. 350 of 2023 subject to the conditions 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 nos. 3, 4, 6 and 7 who shall provide official



document to show his/her bona fide;

(ii) the petitioner nos. 3, 4, 6 and 7 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. 3, 4, 6 and 7 shall appear before the concerned police station every month for one year to mark their attendance;

(iv) the petitioner nos. 3, 4, 6 and 7 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. 3, 4, 6 and 7 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.

(Rajiv Roy, J)

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