

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12234 of 2024

Arising Out of PS. Case No.-735 Year-2023 Thana- ARA NAGAR District- Bhojpur

1. Nank Quarishi @ Nunu Quarashi @ Nanu Quarishi S/O Sarju Quarishi @ Late Sarju Quarishi
2. Suman Quarishi S/O Nanahak Quraishi
3. Nanahak Quarishi @ Nanak Quraishi S/O Late Dadari Quarishi
All are R/O Village- Baliganj, Ps. Ara Nagar, Dist. Bhojpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ajay Kumar Singh, Advocate

For the Opposite Party/s : Mr.Sanjay Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 22-02-2024 Heard Mr.Ajay Kumar Singh, learned counsel for petitioners and Mr.Sanjay Kumar, learned Additional Public Prosecutor for the State.

2. Petitioners are apprehending their arrest in connection with Ara Town P.S.Case No. 735 of 2023, FIR dated 12.09.2023, registered for the offences punishable under Sections 411,379of IPC.

3. As per the written application brief fact of prosecution story is that on 11.09.2023 at about 02:00 A.M thieves entered into the informant's house and stolen three mobile and Rs. 15,000/- from the tenant room and ran away. When the informant came in the morning, these people started



abusing and quarrelling with the informant then Sonu Khan's mother told that my son had brought 3 mobile phones in the morning, some how 2 mobile were recovered and one mobile is still kept by thieves.

4. Learned counsel for the petitioners submits that petitioners have clean antecedent and they have falsely been implicated in the present case merely on the basis of suspicion. Further submits that in fact the present FIR has been instituted on the basis of the statement of mother of co-accused, namely, Sonu Khan, the petitioners have falsely been implicated in the present case. Further submits that from a bare perusal of the FIR it appears that two stolen mobile phone have been recovered from the house of co-accused, Soun Khan and on the basis of the statement of mother of co-accused person, the petitioners have been falsely implicated in the present case merely on the basis of suspicion and except the suspicion no other cogent material has come during investigation against the petitioners to suggest the involvement of the petitioners in the present occurrence.

5. Learned A.P.P. for the State, on the other hand, has vehemently opposed the prayer for anticipatory bail of petitioners



6. Considering the fact and circumstances of the case, let the petitioners, above named, in the event of their arrest or surrender before the court below within a period of thirty days from the date of receipt of the order, be released on bail on furnishing bail bond of Rs.10,000 (Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Bhojpur at Ara in connection with Ara Town P.S.Case No. 735 of 2023, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure and with other following conditions:-

(I) Petitioners shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on their absence on two consecutive dates without sufficient reason, their bail bonds shall be cancelled by the Court below.

(II) If the petitioners tamper with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(III) 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 antecedents, 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.

(Rajesh Kumar Verma, J)

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