

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 9137 of 2024

Arising Out of PS. Case No.-1157 Year-2023 Thana- NAWADA District- Nawada

1.

Md. Irfan Alam @ Md. Irfan Quraishi @ Heera Son of Md. Moin Quoraishi Resident of Village- Bhadauni, Raja Nagar near Haddi Godown, P.S. Nawada (Nagar), District-Nawada
2.

Md. Saddam @ Saddam Kuraishi @ Saddam Quraishi Son of Md. Moin Quoraishi Resident of Village- Bhadauni, Raja Nagar near Haddi Godown, P.S. Nawada (Nagar), District-Nawada

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Man Mohan Kumar, Advocate
For the Opposite Party/s : Mr. Bhanu Pratap Singh, APP

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

220-02-2024

Heard Mr. Man Mohan Kuma, learned counsel appearing on behalf of the petitioners and Mr. Bhanu Pratap Singh, learned APP appearing on behalf of the State.

2. The petitioners apprehend their arrest in connection with Nawada (Nagar) P.S. Case No.1157 of 2023 registered under Sections 448, 341, 323, 324, 504, 506, 385, 354, 379, 34 of the Indian Penal Code.

3. As per the allegation made in the FIR, the informant being the eye-witness of the fact that the accused persons named in the FIR, including the petitioners, have assaulted the family members of the informant, who sustained injury and misbehaved with them and they had also forcefully

taken Rs.18,000/- after breaking lock of the house.

4. Learned counsel appearing on behalf of the petitioners submits that the main allegation of assault is against co-accused Md. Shanshah Quraishi and Md. Saddam Quraishi for causing injury and same has been corroborated by the injury report. However, the allegation against the petitioner is general and omnibus in nature.

5. Learned APP for the State vehemently opposed the prayer for grant of pre-arrest bail and submitted that with a common intention, the petitioners along with other accused persons named in the FIR tried to kill the informant. The petitioners and the informant side are having blood relationship and due to drainage related issue the incident took place. The victim has sustained grievous injury, therefore, the petitioners do not deserve to be released on bail.

6. Considering the rival submissions made on behalf of the parties, as well as, the allegation made in the FIR, which is specific against the Shanshah Quraishi @ Fool and no specific allegation has been levelled against the petitioners that they have assaulted victim Md. Sahwaj Alam, Court below is directed to call for the record and verify whether the petitioners in any manner had assaulted the victim. In case, the record

reveals that the allegation made against the petitioners is not found to be correct then in that case the Court below is directed to release the petitioners on anticipatory bail, in the event of their arrest or surrender before the learned Court below within a period of four weeks from today, 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, Nawada in connection with Nawada (Nagar) P.S. Case No.1157 of 2023, subject to the condition as laid down under Section 438(2) of the Cr.P.C.

(Purnendu Singh, J.)

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