

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60212 of 2024

Arising Out of PS. Case No.-132 Year-2024 Thana- ARIYARI District- Sheikhpura

1. Sahab Kuraishi Son of Late Basid Kuraishi
2. Harun Kuraishi Son of Late Basid Kuraishi
3. Chunnu Kuraishi Son of Late Basid Kuraishi
4. Hajari Kuraishi Son of Sahab Kuraishi
5. Chhotu Kuraishi Son of Sahab Kuraishi
6. Tanveer Kuraishi Son of Harun Kuraishi
All R/o Village- Hussainabad, P.S.- Ariyari, District- Sheikhpura
... .. Petitioner/s

Versus

The State of Bihar
... .. Opposite Party/s

Appearance :
For the Petitioner/s : Mr.Pramod Kumar Sinha, Advocate
For the Opposite Party/s : Mr.Sanjay Kumar Tiwary, APP
Mr. Rabindra Prasad Singh, Advocate

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

- 2 26-09-2024 1. Heard learned counsel for the petitioners, learned
APP for the State and the learned counsel appearing on behalf of
the informant.
2. The petitioners seek bail in anticipation of their
arrest in a case registered for the offences punishable under
Sections 147, 149, 341, 323, 324, 325, 448, 354(B), 307, 379,
504 and 506 of the IPC in connection with Ariyari P.S. Case
No.132 of 2024.
3. The learned counsel for the petitioners submit that
petitioner no.1,3 and 6 are persons with clean antecedent and
petitioner no.2,4 and 5 have antecedent of one case.



4. It is next submitted that informant alleges that on 07.06.2024 all the accused including the petitioners came and assaulted her as they did not want her husband to appear as a witness in a case, thereafter, it is alleged that Azad assaulted Goru by sword, Laddan assaulted Karu by an iron rod, Nasim assaulted Md. Azad by Khanti, Chhotu (petitioner no.5) grabbed Nashiba Khatoon by hair and slammed her on the ground and on account of which she got disrobed, thereafter, Sajjad assaulted Munni by butt of pistol, further Sahab (petitioner no.1) and Tanveer (petitioner no.6) snatched rupees fifty thousand from Sahid and Chhunu and Haroon took away golden chain of Munni Khatoon, it is also alleged that two years back also the accused persons had assaulted.

5. The learned counsel submits petitioners have been falsely implicated in the instant case by the informant. It is next submitted that no doubt from the side of the informant injured have suffered grievous injury, but then as far as allegation of assault is alleged the same is specific as recorded herein above, in so far as these petitioners are concerned the allegation against them is general, omnibus and ornamental in nature.

6. The learned APP and the learned counsel appearing on behalf of the informant opposes the anticipatory bail



application, but then are not in a position to rebut the submission of the learned counsel appearing on behalf of the petitioners that allegation of assault is not specific. The learned counsel appearing on behalf of the informant further submits that petitioner no.1 Sahab Kuraishi has not approached this Court with clean hands, on which the learned counsel appearing on behalf of the petitioners submit no doubt an FIR was instituted against petitioner no.1 Sahab Kuraishi, but then police after investigation submitted final and the same was accepted by the learned Trial court, as such as of date petitioner no.1 is a person with clean antecedent and the learned counsel appearing on behalf of the informant has been given false instruction.

7. Considering the submissions made by the learned counsel for the petitioners, the petitioners above-named, in the event of their arrest or surrender before the learned Court below within a period of six weeks, are directed to be released on anticipatory bail on their furnishing bail-bonds in the sum of Rs.10,000 /- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned A.C.J.M., Sheikhpura in connection with Ariyari P.S. Case No.132 of 2024, subject to the conditions laid down under Section 438(2) of the Cr.P.C.



8. However, it is made clear that the learned trial court before accepting the bail bonds of the petitioner no.1 Sahab Kuraishi shall verify his criminal antecedent and if it is found that final form has been submitted and the same has been accepted, in that event the bail bonds shall be accepted, but if it is found that final form has not been submitted, in that event, the present anticipatory bail order shall not be given effect to in favour of Sahab Kuraishi.

9. The application stands allowed.

(Satyavrat Verma, J)

Prakash Narayan

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