

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16843 of 2025

Arising Out of PS. Case No.-208 Year-2024 Thana- ARIYARI District- Sheikhpura

Pravej @ Pravej Kuraishi, Male, aged about 25 years, Son of Kalim Kuraishi @ Kalim Kuresha, Resident of Village- Hussainabad, P.S.- Ariyari, District- Sheikhpura.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Nasim Quraishi, Male, Son of Shahab Quraishi, Resident of Village- Hussainabad, P.S.- Ariyari, District- Sheikhpura.

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Pravin Kumar Sinha, Advocate
For the State	:	Ms. Anita Kumari, APP
For the Informant	:	Mr. Pramod Kumar Sinha, Advocate

CORAM: HONOURABLE MR. JUSTICE RAMESH CHAND MALVIYA
ORAL ORDER

4 02-07-2025 Heard learned counsel for the petitioner, learned APP for the State and learned counsel for the informant.

2. The petitioner seeks bail in connection with Ariyari P.S. Case No. 208 of 2024 (arising out of Complaint Case No. (POCSO) 38 of 2024) instituted for the offences punishable under Sections 341, 323, 504, 506, 354(B), 325, 326, 307 of the Indian Penal Code and Section 27 of the Arms Act as well as Section 8 of the POCSO Act.

3. The allegation against the petitioner is that he fired upon the father of the complainant but no injury caused to him and father of the complainant was saved.

4. Learned counsel for the petitioner submits that the



petitioner is innocent and has committed no offence and has falsely been implicated in this case. He submits that the allegation against the petitioner is general and omnibus. He further submits that the mother of the petitioner has also submitted a written complaint against the informant and others. He next submits that the informant and petitioner are co-villagers. He lastly submits that nothing has been recovered from the conscious possession of the petitioner. He submits that neither a single eye witness nor any independent witness have supported the occurrence. Petitioner is in custody since 13.12.2024.

5. Learned APP for the State and learned counsel for the informant opposed the prayer for bail.

6. From perusal of the FIR, case diary and impugned order of the learned District and Additional Sessions Judge-cum-Exclusive Special Judge (POCSO), Sheikhpura dated 28.01.2025, it appears that petitioner is named in the FIR. It also appears that the FIR has been lodged under Sections 341, 323, 504, 506, 354(B), 325, 326, 307 of the Indian Penal Code and Section 27 of the Arms Act as well as Section 8 of the POCSO Act against six accused persons including the present petitioner. The allegation against the petitioner is that he fired upon the



father of the complainant but no injury caused to him. It also appears that the incident has occurred on 07.06.2024 at 7.30 P.M. at night and the FIR was lodged on 20.09.2024, after a delay of more than three months of the occurrence and there is no any plausible explanation in this regard. There is no any allegation of POCSO Act against the petitioner and no injury caused to any person against the petitioner and he is in custody since 13.12.2024, so considering all these aspects of the case and long delay for lodging of the FIR (complaint petition), I am inclined to grant bail to the petitioner.

7. Accordingly, the prayer for bail of the petitioner is allowed. Let the petitioner above named be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned District and Additional Sessions Judge-cum-Exclusive Special Judge (POCSO), Sheikhpura in connection with Ariyari P.S. Case No. 208 of 2024 (arising out of Complaint Case No. (POCSO) 38 of 2024.

(Ramesh Chand Malviya, J)

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