

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.49764 of 2024

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

Md. Shahanshah Kuraishi @ Phool 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. Manmohan Kumar, Advocate

For the Opposite Party/s : Mr. Mithlesh Kumar Khare, A.P.P

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 10-01-2025 Heard Mr. Man Mohan Kumar, learned counsel

appearing on behalf of the petitioner and Mr. Mithlesh Kumar
Khare, learned APP appearing on behalf of the State.

2. The petitioner seeks regular bail 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 occurrence that all the
accused persons named in the FIR, including the petitioner, have
assaulted the family members of the informant, who sustained
injury and misbehaved with all the female members and they
had also forcefully taken Rs.18,000/- after breaking lock of the
house.

4. Learned counsel appearing on behalf of the



petitioner submitted that the petitioner is innocent and has falsely been implicated in the present case. Petitioner and informant are agnates and due to dispute relating to drainage, an altercation took place and both the sides entered into fierce fight and in the self-defence, petitioner may have caused some injury on the persons of the informant and her family members without intention. Other co-accused persons, namely, Md. Irfan Alam @ Md. Irfan Quraishi @ Heera and Md. Saddam @ Saddam Kuraishi @ Saddam Quaraishi, have already been released on pre-arrest bail by this Court vide order dated 20.02.2024 passed in Criminal Miscellaneous No. 9137 of 2024. Petitioner is in custody since 23.02.2024. On these grounds, petitioner seeks to be released on bail.

5. Learned APP for the State vehemently opposed the prayer for grant of bail to the petitioner.

6. Considering the rival submissions made on behalf of the parties, as well as, the allegation made in the FIR against the petitioner that he had stabbed in the stomach of the informant, due to which, the informant had sustained injury, however, the final injury report is not available. Similarly situated co-accused persons, namely, Md. Irfan Alam @ Md. Irfan Quraishi @ Heera and Md. Saddam @ Saddam Kuraishi



@ Saddam Quaraishi, against whom, there is specific allegation of causing injury, have already been released on pre-arrest bail by this Court vide order dated 20.02.2024 passed in Criminal Miscellaneous No. 9137 of 2024. I find it proper to direct the learned District Court to call the final injury report of the informant and verify, as to whether, the injury is grievous or simple in nature.

7. If the injury caused by the petitioner to the informant is found to be simple in nature, the petitioner, above named, is directed to be released on bail upon furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) 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.

8. The learned District Court is directed to verify the criminal antecedent of the petitioner as stated in paragraph no. 3 of the bail application. If any other case is pending against the petitioner as what has been stated in paragraph no. 3, this order will lose its force automatically.

(Purnendu Singh, J)

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