

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.80704 of 2024

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

1. Shahid Kuraishi Son of Kalim Kurashi Resident of Village - Hussainbad, P.S. - Ariyari, District - Sheikhpura
2. Ejaj Kuraishi Son of Wali Kuraishi Resident of Village - Hussainbad, P.S. - Ariyari, District - Sheikhpura
3. Pravej Kuraishi Son of Kalim Kuraishi Resident of Village - Hussainbad, P.S. - Ariyari, District - Sheikhpura
4. Shahzad Kuraishi @ Shajda Kuraishi Son of Kalim Kuraishi Resident of Village - Hussainbad, P.S. - Ariyari, District - Sheikhpura

... .. Petitioner/s

Versus

1. The State of Bihar
2. Nasim Qurashi Son of Shahab Qurashi Resident of Village - Hussainabad, Police Station - Ariyari, District - Sheikhpura

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 86727 of 2024

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

Md. Kamal Shah @ Kamal Shah Son of Late Amjad Shah Resident of Hussainabad, P.S.- Ariyari, District- Sheikhpura

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 80704 of 2024)

For the Petitioner/s : Mr. Rabindra Prasad Singh, Adv.

For the State : Mr. Kalyan Shankar, APP

(In CRIMINAL MISCELLANEOUS No. 86727 of 2024)

For the Petitioner/s : Mr. Rabindra Prasad Singh, Adv.

For the State : Mr. Ram Priya Sharan Singh, APP

CORAM: HONOURABLE JUSTICE SMT. SONI SHRIVASTAVA

ORAL ORDER

4 23-07-2025 As both these bail applications have arisen from the same police station case number, hence, with consent of parties, they are being heard together and disposed of by this common order.



2. Vide an earlier order dated 19.12.2024, the application (Cr. Misc. No. 80704 of 2024) in respect of petitioner Pravej Kuraishi has already been dismissed as withdrawn.

3. Heard learned counsel for the petitioners and learned APPs for the State. Nobody appears on behalf of the informant, however, a *vakalatnama* has already been filed.

4. The petitioners apprehend their arrest in a case registered for the offences punishable under Sections 341, 323, 504, 506, 354(B), 325, 326, 307 of the Indian Penal Code, Section 27 of the Arms Act and Section 8 of the POCSO Act.

5. The allegation in the complaint giving rise to the FIR being instituted under Section 156(3) of the Cr.P.C. is that two accused persons i.e. petitioner nos. 1 & 2 tried to pull the niece of the informant with bad intention and upon objection being raised, both the accused persons resorted to brick-batting and subsequently one Pravej Kuraishi and petitioner Shahzad Kuraishi (petitioner no.4) came armed with pistol and resorted to firing. However, the informant got saved. The further allegation is that one Danish Kuraishi assaulted the informant's mother by means of iron rod.

6. Learned counsel for the petitioners, at the outset, submits that for an incident which occurred on 07.06.2024, the



complaint was lodged on 26.06.2024 and the delay caused has not been explained on behalf of the prosecution. It is further submitted that the mother of petitioner nos.1 & 4 had lodged an FIR against the informant and others earlier and the present case is a counter-blast of the said case. It is also submitted that during the course of investigation, the independent witnesses have referred to some free fight between the parties, but have not supported any case of teasing or outraging the modesty. The injury report of the informant also indicates that the injuries are in the nature of swelling, abrasion and bodyache while the injuries of Murshid Kuraishi and Mohd. Chhotu were found simple in nature. It is next submitted that there is no specific allegation attributed to petitioner Md. Kamal Shah in the entire complaint but for the fact that his name appears in the column of the list of accused. It is also pointed out by learned counsel for the petitioners that the parties have entered into a compromise and the compromise petition has been brought on record by way of supplementary affidavit (Annexure-P/6) which shows that the parties do not want to proceed with the case and the same is duly signed by both the parties.

7. Learned APPs for the State, however, oppose the



prayer for anticipatory bail.

8. Considering the fact that simple injuries have been caused in a free fight between the parties and no allegation of POCSO are being made out in the facts of the case and further that there is a compromise between the parties, I am inclined to grant the privilege of anticipatory bail to the petitioners. Let the petitioners, above named, in the event of their arrest or surrender before the Court below within four weeks, 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 the learned lower Court where the case is pending/successor Court in connection with Ariyari P.S. Case No. 208 of 2024, subject to the condition as laid down under Section 438 (2) of the Cr.P.C/ 482 (2) of the BNSS, 2023.

9. However, before accepting the bail bonds of the petitioners, the learned Court below would verify the factum of compromise and also the authenticity of the compromise petition filed before the concerned Court.

(Soni Shrivastava, J)

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