

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.23347 of 2017

Arising Out of PS.Case No. -34 Year- 2017 Thana -PARWATTA District- KHAGARIA

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1. Md. Khursheed Son of Late Md. Gulzar, Resident of Village- Rahmatpur,
Poice Station- Parbatta (Maraiya), District- Khagaria.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.

For the Opposite Party/s : Mr.

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

3 23-06-2017 Heard learned counsel for the petitioner and

learned APP for the State.

Petitioner is languishing in judicial custody since
31.01.2017 in connection with Parbatta (Maraiya) P.S. Case No.
34/2017, G.R. No. 245/2017 for offences alleged under Sections
353, 307/34 of the Indian Penal Code and Sections 25(1-B)A, 26,
27 and 35 of the Arms Act.

The prosecution case is that the police, on secret
tip off, reached orchard of one Siro Thakur and saw three persons
in the dragon light. On seeing the police, they started to flee away,
in which two persons including the petitioner were apprehended.
From the pocket of the petitioner a country made pistol and Rs.
24,00/- were recovered.



It has been submitted by the learned counsel for the petitioner that he is innocent and has been falsely implicated in the aforesaid case and no overt act has been committed by him. He further submits that no any injury has been found, hence, Section 307 of the Indian Penal Code is not applicable. It has been submitted that the petitioner has already been charge-sheeted, hence, there is no chance of tampering with the prosecution evidence.

However, learned APP for the State submits that the petitioner was caught red-handed with the country made pistol, hence, opposes the prayer for bail.

Considering the facts aforesaid and materials on record and that the petitioner has no criminal antecedent, let petitioner, above named, be enlarged on bail on furnishing bail bond of Rs.10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate I, Khagaria in connection with Parbatta (Maraiya) P.S. Case No. 34/2017.

(Nilu Agrawal, J.)

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