

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.6440 of 2017

Arising Out of PS.Case No. -375 Year- 2016 Thana -AURANGABAD TOWN District-
AURANGABAD

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Rinku Khan @ Md. Murshid, son of Md. Muslim Khan @ Md. Muslim,
Village- Mohalla- Islam Toli, P.S.- Aurangabad Town, District-
Aurangabad.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Shailesh Kumar Singh, Advocate

For the Opposite Party/s : Mr. Bisheshwar Ram, APP

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

3 29-03-2017 Heard learned counsel for the petitioner and the
learned A.P.P. for the State.

Petitioner is languishing in judicial custody since
23.12.2016 in connection with Aurangabad (Town) P.S. Case No.
375/2016 registered for the offence punishable under Sections
307, 34 of the Indian Penal Code and Section 27 of the Arms Act.

Allegation is that petitioner with intention to kill the
informant fired upon the informant, but the bullet passed over his
head and another fire misfired. On hulla several persons arrived
there and saw the occurrence.

It has been submitted by the learned counsel for the
petitioner that he is innocent and has falsely been implicated in the



aforesaid case due to political rivalry. The informant is a Ward Councillor and on inimical terms with the petitioner. It is submitted that no overt act has been committed by the petitioner, hence, Section 307 IPC is not applicable. It is further submitted that charge-sheet has already been submitted, hence, there is no chance of tampering with the prosecution evidence.

However, learned counsel appearing for the informant vehemently opposes the prayer for bail stating therein that the petitioner has 11 criminal cases of serious nature pending against him and that he is a habitual offender.

Learned A.P.P. for the State also opposes the prayer for bail.

Considering the facts and circumstances and the materials on record, let the petitioner, above named, be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Rs. ten thousand only) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Aurangabad in connection with Aurangabad Town P.S. Case No. 375/2016, subject to the condition that one of the bailors must be a close relative of the petitioner and the other bailor must have sufficient immovable property within the jurisdiction of the concerned police station/ court and that petitioner will appear before the



learned court below on each and every date and failure to appear on two consecutive dates without assigning any reason will entail cancellation of his bail bonds.

(Nilu Agrawal, J)

Rajesh/-

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