

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.8765 of 2019

Arising Out of PS. Case No.-139 Year-2018 Thana- RAFIGANJ District- Aurangabad

SIKANDAR KHAN S/o Noor Alam Khan Resident of Village- Charkuppa,
P.S.- Rafiganj, District Aurangabad

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Leelawati Kumari

For the Opposite Party/s : Mr.Nityanand

CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 15-02-2019 Heard learned counsel for the petitioner and learned
APP for the State.

Petitioner is languishing in judicial custody since
06.11.2018 in connection with Rafiganj P.S. Case No. 139 of
2018 for offences punishable under Section 307 of the Indian
Penal Code and Section 27 of the Arms Act.

The prosecution case, as lodged by the informant
police personnel, is that on information that there is firing and
cross-firing between two persons, the police reached the place
of occurrence and saw petitioner and co-accused Sunil Kumar
@ Lal Babu cross-firing at each other. On raid of the houses of
the petitioner along with co-accused it was found that they had
absconded. During firing one bullet passed through the side of
the informant. The cause of incident is that a few days back an
illicit liquor consignment of the petitioner had been tipped off



by the co-accused for which there occurred firing and cross-firing.

It has been submitted by the learned counsel for the petitioner that he is innocent and has been falsely implicated in the aforesaid case. It is submitted that no injury has been caused, hence, Section 307 of the IPC is not applicable and charge-sheet has already been submitted there being no allegation of tampering with the prosecution witnesses.

However, learned APP for the State opposes the prayer for bail stating therein that the petitioner does not have a clean antecedent and five more cases are pending against him under different Sections of the Indian Penal Code, Bihar Prohibition and Excise Act and under the Arms Act.

Considering the nature of allegation and the materials on record, 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 Chief Judicial Magistrate, Aurangabad, in connection with Rafiganj P.S. Case No. 139 of 2018, subject to the following conditions :

1. One of the bailors would be a close relative of the petitioner having sufficient immovable property, who



will file an affidavit stating his relationship with the petitioner.

2. Petitioner will appear before the learned court below during trial as and when required and failure to appear on two consecutive dates without assigning any reason will entail cancellation of his bail bonds.
3. If the petitioner indulges in an offence of similar nature in future, the prosecution will be at liberty to move the learned court below for cancellation of his bail bonds.

(Nilu Agrawal, J)

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