

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.75276 of 2022

Arising Out of PS. Case No.-141 Year-2022 Thana- ISHAKCHAK District- Bhagalpur

Rinku Khan @ Md. Ashraf @ Md. Ashraf Alam, Son of Late Md. Kalim R/o
Mohalla- Tank Lane Bhikanpur, Gumti No. 3, P.S.- Ishakchak, District-
Bhagalpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Md. Najmul Hodda, Advocate

For the Opposite Party/s : Mr. Narendra Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 26-04-2023 Heard learned counsel for the petitioner and learned
APP for the State.

2. In the present case, the petitioner seeks bail in connection with Ishakchak P.S. Case No. 141 of 2022 registered for the alleged offences under Sections 328, 307, 120(B), 34, 326 and subsequently added Section 302 of the Indian Penal Code and Section 27 of the Arms Act.

3. Learned counsel for the petitioner submits that in this case subsequently Section 302 of IPC has been added but the same is not reflected in the rejection order passed by learned Additional Sessions Judge-XIII, Bhagalpur. He seeks permission to add Section 302 of IPC in paragraph 1 of the bail application. He is permitted to do needful correction in course



of the day.

4. As per prosecution case, co-accused persons opened fire in a *barat* procession, causing injury to one Md. Meraj, who later on succumbed to his injuries.

5. Learned counsel for the petitioner submits that petitioner is not named in the FIR and he has no concern either with the alleged occurrence or the accused persons, whose name is in the FIR for opening fire. The specific allegation of firing is against co-accused Moon Khan, Md. Chhotu and Md. Goldy. The name of the petitioner surfaced during investigation on the basis of confessional statement of co-accused Md. Shekhu Alam and Md. Mona @ Akib Ali but these persons are on inimical terms with this petitioner. Nothing cogent has come up against this petitioner for causing death of Md. Meraj. Co-accused Md. Goldy has been granted anticipatory bail by a Co-ordinate Bench of this Court vide order dated 17.04.2023 passed in Cr. Misc. No. 8090 of 2023. Petitioner is in custody since 11.09.2022 and charge-sheet has been submitted.

6. Learned APP opposes the prayer for bail submitting that petitioner is having criminal antecedents.

7. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the



fact that there is no specific allegation against the petitioner in the FIR who is not even named in the FIR and further considering his period of custody and submission of charge-sheet, the petitioner above named is directed to be released on bail on furnishing bail bond of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate, Bhagalpur in connection with Ishakchak P.S. Case No. 141 of 2022, subject to the condition mentioned in Section 437(3) of the Cr.P.C. and other the following conditions:

- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present on each and every date fixed by the court below.
- (iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

balmukund/-

U		T	
---	--	---	--

