

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 12365 of 2021

Arising Out of PS. Case No.-116 Year-2020 Thana- MUNGER MUFFASIL District- Munger

Md Irshad, Male, aged about 25 years, Son of Mohd Jameel, Resident of
Village - Banaudha, PS- Muffasil, District- Munger.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Shivendra Kumar Sinha, Advocate
For the State	:	Mr. Niranjana Parihar, APP

CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT

Date : 24-08-2021

The matter has been heard *via* video conferencing.

2. The case has been taken up out of turn on the basis of motion slip filed by learned counsel for the petitioner, which was allowed.

3. Heard Mr. Shivendra Kumar Sinha, learned counsel for the petitioner and Mr. Niranjana Parihar, learned Additional Public Prosecutor (hereinafter referred to as the 'APP') for the State.

4. The petitioner apprehends arrest in connection with Muffasil PS Case No. 116 of 2020 dated 14.05.2020, instituted under Sections 341, 323, 307, 504 and 506/34 of the Indian Penal Code and 27 of the Arms Act, 1959.



5. The allegation against the petitioner and others is that they had come to the house of the informant and had abused and threatened to withdraw the case filed by the nephew of the informant against the accused persons and thereafter, of having assaulted by iron rod and specifically against the petitioner is that he had fired, which hit the inside wall after breaking the window glass.

6. Learned counsel for the petitioner submitted that they had earlier filed Muffisil PS Case No. 115 of 2020 against the informant and others. It was submitted that no injury has been caused to anybody. It was submitted that the FIR has been lodged after almost three hours of the incident.

7. Learned APP submitted that from the FIR itself, it is clear that the accused, including the petitioner, had real motive to commit the crime as they were accused in the earlier case filed by the nephew of the informant and for getting the same withdrawn, they had tried to exert undue pressure. It was further submitted that the allegation in the FIR is corroborated by recovery of empty cartridge. As far as the other case is concerned, it was submitted, that the same has to be seen on its own merits. Moreover, it was submitted that the present FIR has been lodged at 9:45 AM on 14.05.2020, and the time of the incident is said to be 8:30 AM,



whereas the petitioner’s side had filed the case on 14.05.2020 at 9:30 AM for an incident which is said to have taken place between 4:00 PM on 12.05.2020 and 10:00 AM on 13.05.2020 and, thus, the delay in lodging of the said case is almost 24 hours.

8. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, the Court is not inclined to grant pre-arrest bail to the petitioner.

9. Accordingly, the petition stands dismissed.

(Ahsanuddin Amanullah, J.)

P. Kumar

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