

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28664 of 2021

Arising Out of PS. Case No.-176 Year-2020 Thana- BARH District- Patna

MUNNA KUMAR @ MUNNA KUMAR SINGH @ MUNNA SINGH @
FAUJI S/O SACHITANAND SINGH R/O VILLAGE-SHAHRI, P.S-BARH,
DISTRICT-PATNA.

... .. Petitioner/s

Versus

THE STATE OF BIHAR BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Parashuram Singh
For the Opposite Party/s : Mr.A.G.

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

3 20-01-2022 Heard Mr. Ashhar Mustafa, learned Advocate for
the petitioner and Ms. Renu Kumari, learned APP for the
State.

The petitioner seeks bail in anticipation of his
arrest in connection with Barh P.S. Case No. 176 of 2020
dated 21.05.2020 instituted for the offences under
Sections 341, 307, 504 and 34 of the Indian Penal Code
and Section 27 of the Arms Act.

The petitioner is said to have fired from his
weapon which hit the neck of the victim. This was done on
the exhortation of his father.

Learned counsel for the petitioner has submitted
that only two days prior to the occurrence, he had come
back from duty of Army. He has falsely been implicated in
this case.

In support of the aforesaid contention, learned
counsel for the petitioner submits that during the period



that the petitioner had moved for anticipatory bail in this case, the other accused persons were chargesheeted and were put to trial. The trial was concluded within a fortnight as no prosecution witness supported the case and all of them were declared hostile. In fact, some of the witnesses have gone on to state before the trial court that the accusation against the accused persons is absolutely false. Those accused persons have been acquitted and no appeal against the aforesaid acquittal is pending before the superior court.

Be that as it may, taking into account the accusation against the petitioner of firing from his weapon which hit the victim, I am not inclined to grant anticipatory bail to him.

The prayer for anticipatory bail is rejected.

However, if the petitioner surrenders before the court below and seeks bail, the grounds noted above and the fact that the petitioner is serving in the Indian Army and that there could be a possibility of false implication, shall be taken into account and an order shall be passed without being prejudiced by the fact that the present petition on his behalf has not been entertained.

(Ashutosh Kumar, J)

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