

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27300 of 2023

Arising Out of PS. Case No.-141 Year-2021 Thana- RUPAULI District- Purnia

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MD. KOUSHER SON OF LATE FUCHAN @ BOUKU R/O VILLAGE-
BELA PRASADI, P.S.- RUPAULI, DISTRICT- PURNEA

... .. Petitioner/s

Versus

The State of Bihar BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Dr. Bidhu Ranjan, Advocate

For the Opposite Party/s : Mr. Aditya Narayan Singh.1, APP

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 11-07-2023 Heard learned counsel for the petitioner and the

State.

Petitioner apprehends arrest in a case registered for
the offence punishable under sections 302, 120(B)/201 of the
Indian Penal Code.

It is alleged that this petitioner (Md. Kousher) along
with co-accused Morsalem caused firearm injury to Md.
Jahangir in which he sustained injury.

It is submitted that petitioner is innocent and has
falsely been implicated in this case due to land dispute. The
present case has been lodged by the informant and thereafter
one another case has been lodged as Rupauli P.S. Case No. 142
of 2021 filed by one Md. Irshad for the same occurrence. It is
further submitted that in this case, informant himself produced



the arms and handed over the same to the police, hence no offence U/S 25(1-B)a, 26 and 35 of the Arms Act is made out.

Learned counsel for the State opposes the bail petition of the petitioner and submits that one Md. Jahangir sustained gunshot injury by the petitioner. It is further stated that from the place of occurrence, there was a recovery of one country made pistol loaded with one empty cartridge from place of occurrence and people gathered disclosed that the said arms fell down from possession of this petitioner while fleeing away after committing the offence.

Considering the nature of allegation, gravity of offence and criminal antecedent of similar nature, prayer for pre-arrest bail of the petitioner is rejected.

(Prabhat Kumar Singh, J)

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