

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43668 of 2023

Arising Out of PS. Case No.-67 Year-2022 Thana- ALAMNAGAR District- Madhepura

Ved Prakash Munmun @ Munmun Singh @ Bed Prakash Munmun, Son of
Lalit Kumar Singh, Resident of village - Khurhan, P.S. - Alamnagar, Distt. -
Madhepura

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Amit Shrivastava, Sr. Advocate Mr. Manoj Kumar Singh, Advocate Mr. Girish Pandey, Advocate
For the Opposite Party/s	:	Mr. Akhileshwar Dayal, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

5 11-10-2023 Heard Mr. Amit Srivastava, learned senior counsel
assisted by Mr. Manoj Kumar Singh, learned counsel for the
petitioner and Mr. Akhileshwar Dayal, learned APP for the
State.

2. The petitioner, in the present case, is seeking pre-arrest bail in connection with Alamnagar P.S. Case No.67 of 2022 registered for the offences punishable under Sections 341, 323, 324, 307, 302, 120(B) and 34 of the Indian Penal Code and Section 27 of the Arms Act. The petitioner has got no criminal antecedent.

3. As per the prosecution story, the allegation against the petitioner is that he had fired from pistol on the stomach of



the husband of the informant due to which he got injured and later on died in course of treatment in the hospital.

4. Learned senior counsel for the petitioner submits that the entire prosecution story is false, concocted and baseless. It is submitted that there is a land dispute between the parties for which Title Suit bearing no.263 of 2011 is pending before the competent civil court.

5. Learned senior counsel further submits that the present FIR was lodged against six members of the family of the petitioner but after completion of investigation police has submitted final form in favour of co-accused Munni Devi, wife of Lalit Kumar Singh, Jyoti Kumari, wife of Bed Prakash Munmun (petitioner) and Rajesh Kumar Singh @ Chunchun Singh. It is further submitted that as per the allegations the fire-arm was handed over to the petitioner by his wife but in course of investigation his wife has not been sent up for trial, therefore, the prosecution story, as framed, has not been believed by the investigating agency.

6. Learned senior counsel further submits that the petitioner is working as a sales manager in a company namely Saif enterprises at Mumbai and he was at Mumbai in connection with his job on the alleged date of occurrence which has been



certified by the employer of the petitioner and even the attendance sheet which has been procured by the I.O. would show that the presence of the petitioner was marked in his office at Mumbai. It is stated that the petitioner was using the sim of one of his relatives and in course of investigation the location of the said sim has been found at Mumbai. On all these grounds, the prayer for pre-arrest bail has been made.

7. Learned APP for the State has opposed the prayer for pre-arrest bail of the petitioner. It is submitted that in the FIR there is a specific allegation that this petitioner had fired on the stomach of the deceased and that proved fatal to the life of the deceased. It is submitted that the plea of alibi may not be considered at this stage that too a mere attendance register of the employer which has been relied upon by the petitioner is in the nature of a muster roll and considering the gravity of the offences alleged and the specific allegation in the FIR, the grant of privilege of anticipatory bail by relying upon the attendance sheet would not be desirable.

8. Having heard learned senior counsel for the petitioner and learned APP for the State as also on going through the materials available on the record, this Court has noticed that in the FIR there is a specific allegation of firing



against the petitioner. The shot fired by the petitioner has allegedly hit on the stomach of the deceased as a result whereof he died and the injury is getting suport from the postmortem report also. So far as the plea of the petitioner based on the attendance sheet/muster roll is concerned, this Court finds that save and except copy of the attendance sheet that too contains only a symbolic presence ('P'), there is no clinching material with the case diary to inspire confidence of this Court.

9. Considering the gravity of the offence alleged and the specific allegation against the petitioner, this Court is not inclined to grant privilege of anticipatory bail to the petitioner. Prayer is refused.

10. In case the petitioner surrenders and prays for regular bail in the learned court below within a period of four weeks from today, his prayer for regular bail shall be considered on its own merit without being prejudiced by the order of this Court.

11. This application is dismissed.

(Rajeev Ranjan Prasad, J)

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