

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.61922 of 2023

Arising Out of PS. Case No.-265 Year-2023 Thana- NARPATGANJ District- Araria

MUNNA MIYAN @ SAMSHAD @ SAMSHAD ALAM S/O LATE
MUSLIM MIYAN R/O VILLAGE- MADHURA WEST, WARD NO. 13, P.S-
NARPATGANJ, DISTT.- ARARIA.

... .. Petitioner/s

Versus

THE STATE OF BIHAR BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Mrigendra Kumar

For the Opposite Party/s : Mr.Yogendra Kumar Singh

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

4 08-02-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks bail in connection with Narpatganj P.S. Case No. 265 of 2023 registered for the offences punishable under Sections 341, 323, 332, 333, 353, 307/34 of the Indian Penal Code and Sections 25(1-B)a, 26, 27 of the Arms Act.

3. As per prosecution case, informant and other police officials conducted raid at the house of the petitioner as petitioner was wanted in Narpatganj P.S. Case No. 590 of 2022. It is alleged that petitioner fired from his pistol upon the police team but anyhow the informant saved himself from the said firing. Petitioner was apprehended on the spot and from his



possession one country made pistol loaded with one .315 bore live cartridge was recovered.

4. Learned counsel for the petitioner submits that petitioner is quite innocent and has not committed any offence as alleged in the FIR. He further submits that from perusal of the FIR, it is clear that no firing material was recovered from the place of occurrence which makes the prosecution story doubtful. The police has planted the recovery of firearm from possession of the petitioner just to make the offence graver. Petitioner is in custody since 21.05.2023. Petitioner bears criminal antecedent of 15 cases out of which he is on bail in 14 cases.

5. The learned A.P.P. for the State opposes the prayer for bail of the petitioner and submits that petitioner bears criminal antecedent of 15 cases out of which three cases are of similar nature.

6. A report regarding stage of trial has been sought by this court and in pursuance of the said direction, the trial court vide letter no. 185 dated 22.01.2024 has sent its report which reveals that trial is at the stage of evidence.

7. Considering the facts and circumstances of the case, nature of allegation levelled against the petitioner and material available on record, I am not inclined to grant bail to



the petitioner. Accordingly, the prayer for bail of the petitioner is hereby rejected.

8. However, the learned trial court is directed to conclude the trial within six months from the date of receipt/production of copy of this order to the court concerned. If the trial is not concluded within the stipulated period, the petitioner may renew his prayer of bail.

(Alok Kumar Pandey, J)

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