

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.1261 of 2024

Arising Out of PS. Case No.-107 Year-2023 Thana- GWALPARA District- Madhepura

Md. Munna Alam @ Munna Alam @ Md. Asgar, Gender, Male, aged about 34 years, S/o Usaman Miyan @ Md. Usman @ Md. Ismail @Md. Smile R/o Village-Sukhashan, Ward no. 13, P.S-Gwalpara, District-Madhepura

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rajnish Kumar Singh, Advocate

For the Opposite Party/s : Mr.Shailendra Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 24-01-2024 Heard Mr. Rajnish Kumar Singh, learned counsel appearing on behalf of the petitioner and Mr. Shailendra Kumar Singh, learned APP for the State.

2. The petitioner seeks pre-arrest bail in connection with Gwalpara (Arar O.P.) P.S. Case No. 107 of 2023 dated 20.06.2023 registered for the offence(s) punishable under Sections 188 of the Indian Penal Code and Sections 25(9) and 27 of the Arms Act.

3. As per the allegation made in the FIR which has been lodged on the basis of statement of police officer that the petitioner along with some unknown persons were demonstrating arms in a marriage ceremony and in the said course of celebratory firing by the petitioner who had sustained



firearm injury because of misfire by him.

4. Learned counsel appearing on behalf of the petitioner submitted that petitioner has lodged FIR bearing Gwalpara (Arar O.P.) P.S. Case No.120 of 2021 in the district Madhepura, alleging that the accused persons named therein had fired upon the his leg and he sustained injury which was disputed in course of the investigation and petitioner has been implicated under Section 188 of the Indian Penal Code and Sections 25(9) and 27 of the Arms Act. Learned counsel further submits that the case has been lodged by the police official under influence while it is admitted that petitioner has sustained firearm injury on his leg. Petitioner has clean antecedent.

5. Learned APP for the State vehemently opposed the prayer for grant of pre-arrest bail.

6. Having considered the rival submission made on behalf of parties as well as the nature of allegation made in the FIR, I am of the opinion that petitioner has, *prima facie*, made out a case to be released on pre-arrest bail.

7. The petitioner, above named, is directed to be released on pre-arrest bail, in the event of his arrest or surrender before the Court below within a period of four weeks from today, on furnishing bail bond of Rs. 10,000/- (Rupees Ten



Thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate, 1st Class, Udakishunganj, Madhepura in connection with Gwalpara (Arar O.P.) P.S. Case No. 107 of 2023, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

8. The court below is directed to verify the criminal antecedent of the petitioner and if it is found that the petitioner is involved in some other cases, as what has been stated in paragraph no.3 of the bail application, this order will automatically lose its force.

(Purnendu Singh, J)

Sanjay/-

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