

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.113 of 2024

Arising Out of PS. Case No.-372 Year-2023 Thana- SANGRAMPUR District- East
Champaran

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Chunnu Miya @ Nasim Alam S/O- Late Kismat Miya R/o- Village-
Majurahan, P.S.- Raghunathpur, District- East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Om Prakash Kumar
For the Opposite Party/s : Mr.Rana Randhir Singh

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

- 2 24-01-2024 1. Heard learned Counsel for the petitioner and learned
Additional Public Prosecutor for the State.
2. This application, for grant of anticipatory bail, arises out
of Sangrampur Police Station Case No. 372 of 2023,
dated 05.11.2023, disclosing offences punishable under
Section 188 of the Indian Penal Code and Section 25
(9)/27 of the Arms Act.
3. The prosecution case, as per the First Information Report,
is that the petitioner, along with other co-accused persons,
were indulged in celebratory firing during an orchestra
programme.
4. Learned Counsel for the petitioner submits that the
petitioner has not committed any offence in the manner



alleged and from perusal of the First Information Report, it would be evident that the petitioner was seen fleeing away from the place of occurrence along with a pistol, but there is no material to show that the petitioner was firing from the pistol during the celebration.

5. On the other hand, learned Additional Public Prosecutor, referring to the First Information Report, submits that the police received a viral video of the celebration, in which some of the persons were resorting to celebratory firing and the local persons identified the petitioner and one another co-accused, namely, Dablu Miya, who were indulged in the celebrity firing.
6. I have heard learned Counsel for the parties and have gone through the materials available on record.
7. From perusal of the impugned order, it appears that learned District Court, while rejecting the anticipatory bail application of the petitioner, has taken note of the fact that the witnesses have supported the prosecution case that the petitioner was indulged in celebratory firing in the orchestra programme, where a large number of persons had assembled.
8. The Celebratory firing is dangerous and illegal and now-



a-days, it is rampant in many places at many occasions. It poses a serious risk to public safety. The video clip showing the petitioner’s indulgence in celebratory firing is supported by other witnesses also. Therefore, there appears to be *prima facie* evidence against the petitioner.

- 9. Accordingly, I am not inclined to grant the petitioner privilege of anticipatory bail.
- 10. This application is, accordingly, dismissed.
- 11. However, if the petitioner surrenders before the learned District Court and seeks regular bail, the learned District Court will consider the same on its merit and without being prejudiced that anticipatory bail application of the petitioner has been dismissed by this Court.

(Anil Kumar Sinha, J.)

Prabhakar Anand/-

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