

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.7796 of 2024

Arising Out of PS. Case No.-372 Year-2023 Thana- SONEPUR District- Saran

Naresh Ray @ Naresh kumar S/o Anandi Rai R/o Vill - Fakrabad, P.S. -
Sonepur, Dist. - Saran At Chapra (Bihar)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rakesh Kumar

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

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

7 19-07-2024 Heard learned counsel for the petitioner and
learned APP for the State.

2. The instant application for anticipatory bail has been filed by the petitioner apprehending his arrest in connection with Sonepur P.S. Case No. 372 of 2023 instituted for the offence under Sections 341, 323, 324, 307, 504 and 34 of the Indian Penal Code and Section 27 of the Arms Act.

3. Prosecution case in short is that petitioner along with other co-accused persons came on the door of the informant's brother and started abusing him. On protest, the petitioner and other accused persons started assaulting the informant's brother upon back portion. When the informant's brother tried to flee from there, this petitioner fired on him on



the instigation of accused Anandi Rai. The informant's brother received gun shot injury and fell down and became unconscious. Hearing the sound of firing, the witnesses came there. The informant's brother was taken to hospital for treatment from there he was referred to PMCH for better treatment.

4. Learned counsel for the petitioners submits that the petitioner is innocent and committed no offence. He has falsely been implicated in this case due to land dispute. It is further submitted from para-9 of this petition that after receiving the injury, the brother of the informant was taken to Sonapur Referral Hospital where his injury report was prepared and doctor found one lacerated wound on left arm and injured was advised for X-ray of left arm and chest and from where the injured was referred to Sadar Hospital Hajipur or P.M.C.H, Patna and Doctor opined that injury may be caused due to hard and blunt substance and X-ray report shows that fracture of upper third of LT. Humerus seen with displacement and X-ray of chest shows that heart is normal. From para-10 of this petition, it is mentioned that the brother of the informant(inured) was referred to Sadar Hospital Hajipur or PMCH, Patna by the Sonapur Referral Hospital but



he did not go either to Sadar Hospital Hajipur or PMCH, Patna but he went to the private hospital and from where, he procured another injury report in which it has been mentioned that a case of firearm injury and the nature of injury is grievous. From perusal of both the injury reports issued by the Government Hospital as well as Private Hospital, it is clear that how the informant procured forged and fabricated injury report in connivance with the private hospital, Patna which shows the *mala fide* intention of the informant.

5. Learned APP appearing for the state and learned counsel for the informant have vehemently opposed the prayer of bail and submitted that there is specific allegation against the petitioner to fire upon the informant's brother due to which he sustained gun shot injury. From perusal of the injury report which has been annexed in the case diary by which it appears that the nature of injury of the injured is grievous.

6. Having heard the learned counsel for the parties and considering the nature of allegation, this court is not inclined to enlarge the petitioner on bail and, as such, his prayer for bail stands rejected.

7. The petitioner is directed to surrender before



learned court below and prays for regular bail, the same shall be considered by the court below, without being prejudiced by the order of this Court.

8. The application stands disposed off.

(Sunil Kumar Panwar, J)

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