

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43795 of 2024

Arising Out of PS. Case No.-42 Year-2024 Thana- FORBESGANJ District- Araria

Sanjay Chaudhary Son Of Late Maheshwari Chaudhary R/O- Forbesganj
Ward -No- 7, Ps- Forbesganj, District -Araria

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bhaskar Shankar, Advocate
For the Opposite Party/s : Mr. Md. Matloob Rab

**CORAM: HONOURABLE MR. JUSTICE NAWNEET KUMAR
PANDEY**

ORAL ORDER

4 26-09-2024 Heard learned senior counsel for the petitioner, learned
APP for the State and learned counsel for the informant.

2. In this case, the petitioner is seeking regular bail in connection with Forbesganj P.S. Case No. 42 of 2024, registered for the offences punishable under Sections 307, 326, 325, 324, 323, 341, 448 of the Indian Penal Code and added Section 302 of the Indian Penal Code, Section 27 of the Arms Act and added Section, 25(1-b)a, & 26 of the Arms Act.

3. As per allegation, the informant got the information that her husband has been shot when he went to open his shop.



Thereafter, she along with her son went to the shop and brought her husband to the sub-divisional hospital for treatment. Her husband was profusely bleeding and he told her that the petitioner, namely Sanjay Chaudhary, shot him.

4. It has been submitted by the learned senior counsel for the petitioner that before recording dying declaration of the deceased, the doctor did not certify whether the deceased (injured) was in condition to render his statement or not. Learned senior counsel has also submitted that the F.I.R. shows itself that the deceased has suffered five fire arm injuries on the vital part and it is surprising that he rendered the entire occurrence by giving vivid descriptions thereof.

5. On the other hand, learned counsel for the informant as well as learned APP for the State, Shri Shailendra Kumar has submitted that the F.I.R. reveals itself that the petitioner fired shots on the deceased. The postmortem report corroborates the allegation that the deceased has also stated in his statement under Section 161 of the Cr.P.C. that the petitioner had fired upon him.

6. Considering the above-mentioned facts and circumstances of the case, this Court is not inclined to grant bail to the petitioner.



7. Accordingly, the prayer of bail of the petitioner is
rejected herewith.

(Nawneet Kumar Pandey, J)

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