

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.81740 of 2023

Arising Out of PS. Case No.-707 Year-2023 Thana- SASARAM NAGAR District- Rohtas

Sonu Rayeen @ Katra Son of Ahmad Rayeen, R/O Village- Shahjumma,
Chikaniya Tola, P.S.- Sasaram, District- Rohtas.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Rakesh Singh, Advocate
For the Informant	:	Mr. Prabhakar Sahai, Advocate
For the Opposite Party/s	:	Mr. Shyameshwar Dayal, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 10-01-2024 Heard Mr. Rakesh Singh, learned counsel appearing on behalf of the petitioner, Mr. Shyameshwar Dayal the learned Additional Public Prosecutor for the State and Mr. Prabhakar Sahai, learned counsel appearing on behalf of the Informant.

2. The petitioner apprehends his arrest in connection with Sasaram Nagar PS Case No. 707 of 2023 dated 07.08.2023, registered for the offences punishable under Sections 302, 307, 341, 323, 504 and 506 of the Indian Penal Code and under Section 27 of Arms Act.

3. Allegedly, all the FIR named accused persons including the petitioner caught hold of the brother of the informant and it is specifically alleged that co-accused Naushad

Rayeen @ Lallu fired from his pistol in his stomach, thereupon this petitioner fired to one Sonu Rahman, who sustained fire-arm injury on his leg. Co-accused Veerat fired upon Chand Khan due to which he also sustained injury.

4. Learned counsel appearing on behalf of the petitioner submits that from the narratives of the FIR, it is evident that the informant is not an eyewitness to the alleged occurrence and even as per the FIR, the allegation against the petitioner is of opening fire, which hit on the leg of Sonu Rahman. He further submits that surprisingly, the injured has been examined after a delay of one month seven days which also creates doubt on prosecution case. That apart, the deceased was a dreaded criminal carrying five criminal cases over his head.

5. On the other hand, learned counsel appearing on behalf of the State and the learned counsel for the informant vehemently opposed the pre-arrest bail application and submit that apart from the fact that the petitioner is carrying one criminal antecedent, there is specific allegation that he fired on Sonu Rahman, who sustained fire-arm injury on his leg.

6. Regard being had to the submissions made on behalf of the parties and considering the specific nature of

accusation of firing against the petitioner, this Court is not persuaded to enlarge the petitioner on the privilege of anticipatory bail, hence the prayer stands rejected. Let the petitioner be surrendered before the Court below, who shall consider the case of the petitioner on the basis of the materials available on record and which has come during the course of investigation, without being prejudiced by this order.

(Harish Kumar, J)

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