

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23722 of 2025

Arising Out of PS. Case No.-219 Year-2024 Thana- SHASTRINAGAR District- Patna

Santosh Ray @ Santosh Kumar Sharma @ Santosh Gope, S/O Ramanand
Sharma @ Ram Nandan Sharma, R/o - Punaichak, Jhoparpati, P.S - Shastri
Nagar, District - Patna

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : M/S. Harsh Singh and Mr. Ghanshyam Tiwary,
Advocates

For the Opposite Party : Mr. Ram Priya Sharan Singh, A.P.P.

**CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH
SINGH**

ORAL ORDER

6 16-09-2025 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks bail in connection with Shastri
Nagar P.S. Case No. 219 of 2024 dated 13.03.2024 registered
for the offences punishable under Sections 307, 326 read with
Section 34 of the I.P.C. and Section 27 of the Arms Act which
was later converted under Section 302 of the I.P.C.

3. As per the prosecution case, on 12.03.2024 at about
10.00 P.M., the brother of the informant, namely, Jitendra Rai,
was selling vegetables in Punaichak Vegetable Mandi, the
informant was also standing there. In the meantime, two
miscreants riding on one motorcycle came there and suddenly



starting firing on the brother of the informant and about 5-6 round was also resorted which hit on the right side of the chest of the informant's brother Jitendra Rai, due to which, he fell down, one bullet hit on the arm and waist of Ajay Kumar and bullet also hit on the leg of Gunjan Kumar. The informant, his brother and local people identified the miscreants who fired on the injured, as Santosh Sharma @ Santosh Gope (petitioner) and Chhotu Kumar @ Chhotu Gope who came on the Red Pulsar Motorcycle and fled away after firing on the injured persons. On information, local police came and took the injured to the hospital for treatment.

4. Learned counsel for the petitioner has submitted that the petitioner is innocent and has falsely been implicated in this case. It is submitted that the alleged occurrence took place on 12.03.2024 and the F.I.R. has been lodged on 13.03.2024 which was produced before the learned court below on 15.03.2024 and there is delay in lodging the F.I.R., and sending it to the learned court below, no explanation for such delay has been given by the prosecution. It is submitted that the petitioner himself in his confessional statement which is available in paragraph no. 34 of the case diary has stated that he was driving the motorcycle and the co-accused Chhotu Gope was sitting



behind the petitioner on the said motorcycle and said co-accused Chhotu Gope fired on the deceased and others. It is further submitted that the injured Ajay Kumar in his statement recorded under Section 161 of the Cr.P.C., which is available in paragraph no. 107 of the case diary, has stated that the petitioner was driving the said motorcycle and the co-accused Chhotu Gope was sitting behind the said motorcycle and fired from his pistol on Jitendra Rai, vegetable vendor, due to which, he sustained injury and he also stated that the co-accused Chhotu Gope again fired on him due to which he also sustained firearms injury. It is further submitted that as per the statement of the injured, the petitioner is not an assailant. It is further submitted that during the course of investigation, several witnesses like Vijay Kumar and others have stated the same version as stated by the injured and others. There is no specific allegation of firing on the deceased Jitendra Rai and the injured persons rather the same is against the co-accused Chhotu Gope. It is further submitted that it is not possible that any person when he sustained firearm injury on his chest could give his self statement, hence, the said version is totally false and fabricated. The petitioner has two criminal antecedents in which he is on bail as stated in paragraph no. 3 of the bail petition. The petitioner is in custody



in this case since 15.03.2024.

5. Learned A.P.P. for the State has vehemently opposed the bail petition of the petitioner and has submitted that the petitioner is named in the F.I.R. Learned A.P.P. for the State has further stated that the petitioner in his confessional statement which is in paragraph no. 34 of the case diary has confessed his involvement in the alleged offence. The deceased Jitendra Rai in his statement recorded in Emergency Ward at Ruban Hospital, Patna, which is available in paragraph no. 10 of the case diary has stated that the co-accused Chhotu Gope and Santosh Gope (petitioner) had fired on him.

6. Considering the aforesaid facts and circumstances of the case as well as the period of custody, the petitioner, above named, is directed to be enlarged on bail on furnishing bail bond of Rs. 20,000/- (Rupees Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned A.C.J.M.-IX, Patna in connection with Shastri Nagar P.S. Case No. 219 of 2024 with further condition:-

(I) The petitioner is directed to remain physically present before the learned court below on each and every date, failing which on two consecutive dates without reasonable



cause, the bail bonds of the petitioner are
liable to be cancelled.

7. The application stands allowed.

(Chandra Prakash Singh, J)

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