

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23038 of 2025**

Arising Out of PS. Case No.-103 Year-2024 Thana- DHANSOI District- Buxar

Sri Bihari Shukla, aged about 70 years, Male, S/o Late Kailash Shukla, R/o Village- Parwat Chak, PS- Dhansoi, Dist- Buxar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sunil Kumar Pathak, Advocate
For the Opposite Party/s : Mr. Shailendra Kumar Singh, APP
For the informant : Mr. Rajnikant Pandey Advocate

**CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER**

2 01-05-2025 Heard Mr. Sunil Kumar Pathak, learned counsel appearing on behalf of the petitioner; Mr. Shailendra Kumar Singh learned APP for the State and Mr. Rajnikant Pandey, learned counsel for the informant.

2. The petitioner seeks pre-arrest bail in connection with Dhansoi P.S. Case No. 103 of 2024 registered for the offence(s) punishable under Sections 109 and 3(5) of the BNS and Section 27 of the Arms Act.

3. As per the allegation made in the FIR, the petitioner had caught hold the brother of the informant and one co-accused Subendra Shukla fired upon him which caused firearm injury in his right arm. Other co-accused Sudhakar Shukla was having rifle in his hand.



4. Learned counsel appearing on behalf of the petitioner submitted that petitioner is 70 years old man and just because father of main accused Subendra Shukla, he has been made accused in the present case. The petitioner was not present on the spot.

5. Mr. Rajni Kant Pandey, learned counsel has tendered his appearance on behalf of the informant and he submitted that petitioner is the one who had caught hold of the brother of the informant and his son with an intention to kill had fired upon the brother of the informant, causing injury.

6. Learned APP for the State also vehemently opposed the prayer for grant of pre-arrest bail.

7. Having considered the rival submissions made on behalf of the parties, as well as, having perused the allegation made in the FIR, I find that the petitioner is father of main co-accused / Subendra Shukla, against whom the brother of the informant, who is eye witness and injured victim, has alleged that he saw the son of the petitioner to have fired upon him with his own eyes. There is no repeated blow of firearm. I am of the opinion that petitioner has, prima facie, made out a case to be released on pre-arrest bail.

8. The petitioner, above named, is directed to be



released on pre-arrest bail, in the event of his arrest or surrender before the learned District Court within a period of four weeks from today, on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned C.J.M., Buxar in connection with Dhansoi P.S. Case No. 103 of 2024 , subject to the conditions as laid down under Section 482(2) of the BNSS.

9. The learned District Court is directed to verify the criminal antecedent of the petitioner and if it is found that the petitioner is involved in some other cases, as what has been stated in paragraph no.3 of the bail application, this order will automatically lose its force.

(Purnendu Singh, J)

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