

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24943 of 2025

Arising Out of PS. Case No.-271 Year-2024 Thana- SAHPUR District- Patna

Rahul Kumar S/o- Ram Kumar Singh Village- Bhagwatipur PS-Shahpur Dist- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Sunil Kumar Pathak, Adv
For the Informant	:	Mr. Dinkar Kumar, Adv
For the State	:	Mrs. Pushpa Sinha, APP

CORAM: HONOURABLE MR. JUSTICE SOURENDRA PANDEY
ORAL ORDER

4 04-07-2025 Heard learned Counsel for the petitioner and learned counsel for the informant as well as learned Additional Public Prosecutor for the State.

2. The present application for grant of pre-arrest bail has been filed in connection with Shahpur P.S. Case No. 271 of 2024, registered for offences under Sections 126(2), 115(2) 109, 61, 308(3), 352 and 351(2) of the B.N.S., 2023 and under Section 27 of the Arms Act. The petitioner has one criminal antecedent.

3. It has been stated by the learned counsel for the petitioner that as per the F.I.R, it has been alleged that the named accused persons namely, Neeraj Kumar, Suraj Kumar and Ankit Kumar caught hold of the informant's brother Ajesh



Kumar and Rahul Kumar (petitioner) shot him and caused gunshot injury in the left thigh and thereafter all the accused persons ran away waiving the firearms. It has further been alleged in the F.I.R. that the accused persons are criminals and are involved in similar other cases and earlier the accused persons had threatened to kill the informant for which the informant has given an application to Shahpur police station. It has further been alleged in the F.I.R., that the accused persons have got executed a sale deed, with respect to land of the informant, from a forged person and they want to take possession of the said land against which informant has filed written compliant in S.D.O. court in Danapur and lastly, it has been alleged that the accused Suraj Kumar and land mafia Dhananjay Kumar have demanded Rs. 5 Crore as rangdari or he should leave the possession of the said land, otherwise the entire family members would be eliminated.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has not committed any offence as alleged and this case has been filed due to land dispute. He further submits that allegation against the petitioner is of firing on the thigh of the brother of the informant which is a non-vital part of the body. It has also been submitted that the informant is



not an eye-witness to the said occurrence.

5. It is further submitted by the learned counsel for the petitioner that though there is specific allegation against the petitioner, the police did not recover any empty cartridge from the place of occurrence and the same was given subsequently by the informant to the police which raises doubt on the prosecution case.

6. The learned counsel appearing on behalf of the informant states that the petitioner is a criminal and carry criminal antecedent and the injury received is supported by the statement of the informant and other witnesses and as there is specific allegation of firing against the petitioner, he does not deserve to be granted anticipatory bail.

7. Learned APP for the State also vehemently opposes the prayer for bail.

8. Considering the fact that there is specific overt act alleged against the petitioner of firing upon the brother of the informant, the prayer for anticipatory bail of the petitioner is hereby rejected and the petitioner is directed to surrender before the Court below concerned within four weeks from the date of this order and pray for regular bail, the learned Court below may consider the prayer for regular bail of the petitioner in



accordance with law and on its own merits without being
prejudiced by this order.

(Sourendra Pandey, J)

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