

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26146 of 2025

Arising Out of PS. Case No.-182 Year-2024 Thana- KANTI District- Muzaffarpur

Raju Sah @ Sholey Sah @ Shouli Sah S/o Dhodha Sah R/o Village- Chhapra
Manorath, P.S.- Kanti, District- Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ashok Kumar Jha, Adv.
For the Opposite Party/s : Mr. Abhay Kumar Roy, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 06-05-2025 Heard the learned Advocate for the petitioner and the
learned APP for the State.

2. The petitioner apprehends his arrest in connection with Kanti P.S. Case No. 182 of 2024, registered for the offences punishable under Sections 394, 379, 307, 396, 341, 323, 504 and 507 of the Indian Penal Code and Section 27 of the Arms Act.

3. Allegedly on the fateful day, while the son of the informant, namely, Uday Kumar and his friend Chandan Kumar coming from market, in the meanwhile, all the FIR named accused persons, including the petitioner surrounded him and allegedly snatched the golden chain and cash to the tune of Rs. 5,000/-. It is further alleged that when the son of the informant and his friend identified the petitioner and one another accused



person, both of them made indiscriminate firing, due to which the informant's son has sustained a bullet injury in his leg. The injured and his friend, however, succeeded in fleeing away on a motorcycle.

4. Learned Advocate for the petitioner primarily contended that the present FIR is based upon a complaint which came to be lodged on 16.09.2023, with regard to an occurrence of 21.06.2023, without explaining the reason for delay. There is no compliance of the guidelines enunciated by the Apex Court in the case of *Priyanka Srivastava & Anr. Vs. State of Uttar Pradesh & Ors., (2015) 6 SCC 287*, wherein the Court has directed that without approaching the police, the FIR ought not to be instituted under Section 156(3), if the same is without any affidavit sworn by the informant/complainant. It is further contended that be that as it may, the complaint was sent to the concerned police station, but FIR has instituted after seven months of the occurrence. Even as per the prosecution case, it has not been alleged that on whose fire, the injured has sustained the injury. Referring to paragraph nos. 9 and 13 of the bail application, it has further been clarified that on 21.08.2023, prior to the institution of the complaint, the petitioner has instituted Kanti P.S. Case No. 656 of 2023 on 22.08.2023



against the injured and his family members for an occurrence of 21.08.2023. The story of the injured witness that he was examined by Maa Janki Hospital also does not inspire confidence and the injured has also failed to disclose the occurrence to the treating Doctor and during his treatment, no complaint has ever been made.

5. On the other hand, learned counsel for the State opposed the pre-arrest bail application and submits that the petitioner bears one criminal antecedent, apart from the allegation of active participation and causing firearm injury.

6. Regard being had to the submissions made on behalf of the parties and considering the delay in lodging of the FIR, without there being any cogent explanation, as also defiance of the guidelines of the Apex Court, coupled with the fact that prior to the institution of this case, the petitioner lodged an FIR and the injury has not been specifically attributed to the petitioner rather it is made against two persons, apart from a counter version, let the petitioner above named be released on bail, in the event of his arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, upon furnishing bail bonds of Rs.10,000/- (ten thousand) with two sureties of the like



amount each to the satisfaction of the learned ACJM-III, Muzaffarpur (West) in connection with Kanti P.S. Case No. 182 of 2024, subject to the conditions laid down in Section 482(2) Bharatiya Nagarik Suraksha Sanhita, 2023 with the further condition that one of the bailors shall be the own/close family members of the petitioner.

(Harish Kumar, J)

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