

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30739 of 2025

Arising Out of PS. Case No.-6 Year-2024 Thana- Chakki District- Buxar

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1. Satyanarayan Rai @ Satyanarayan Singh son of Late Govind Rai Village- Chakki Chuni Dera, P.S- Chakki, Dist- Buxar
 2. Sunil Rai @ Sunil Kumar Singh Son of Satyanarayan Rai Village- Chakki Chuni Dera, P.S- Chakki, Dist- Buxar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rahul Kumar,Adv.

For the Opposite Party/s : Mr.Pawan Kumar Chaurasia, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN

ORAL ORDER

2 15-05-2025 Heard learned counsel for the petitioners and
learned APP for the State.

2. The petitioners are apprehending arrest in connection with Chakki P.S. Case No. 6 of 2024, dated 28.08.2024, lodged under Sections 25(1-b)a, 26, 35 of the Arms Act.

3. As per the prosecution case, the FIR has been lodged against six named accused persons alleging therein that the police party reached and started searching their house and one mini rifle, one rifle, 13 live cartridges and 11 empty cartridges were recovered.

4. Learned counsel for the petitioners submits that the petitioners are innocent and have committed no offence.



Counsel further submits that from the contents of the FIR, it transpires that the recovery has been made in the house of the petitioners on 26.08.2024 at about 5:00 PM and petitioner no.1 is an old aged person who on the same day was admitted in the PMCH due to fire arm injury in his abdomen. Learned counsel submits that from the report it becomes crystal clear that he is admitted to the Hospital at 8:00 AM whereas the said raid by the police party has been made at about 5:00 PM. Therefore, he submits that admittedly from the report it becomes crystal clear that he was not available at the place of occurrence where the recovery has been made rather he was under treatment in the PMCH and he has attached the proof of the PMCH medical report and discharge ticket i.e., Annexure-P/2. It is further submitted that the petitioner no.2 was with petitioner no.1 at the hospital itself and therefore, he prays for grant of anticipatory bail to the petitioners.

5. Learned APP for the State, on the other hand, opposes the prayer for anticipatory bail of the petitioners and submits that from the discharge ticket, it is apparent that petitioner no.1 was undergoing treatment for his injuries in the abdomen in the hospital since 8:00 AM but it is not clear that whether the petitioner no.2 was with petitioner no.1 or not.



6. In the present facts and circumstances of this case, this Court is not inclined to grant anticipatory bail to the ***petitioner no. 2, Sunil Rai @ Sunil Kumar Singh***. Accordingly, his prayer for anticipatory bail ***stands rejected***.

7. So far as, petitioner no.1, Satyanarayan Rai @ Satyanarayan Singh is concerned, he was undergoing treatment for his injuries in the abdomen in the hospital since 8:00 AM and the raid was executed at about 5:00 PM, this Court is inclined to grant him privilege of anticipatory bail. Accordingly, his prayer for anticipatory bail ***stands allowed***.

8. Let the ***petitioner, no.1, Satyanarayan Rai @ Satyanarayan Singh*** be released on anticipatory bail, in the event of arrest or surrender before the Trial Court within a period of 4 weeks from today, on furnishing bail bond of Rs.30,000/- (Rupees Thirty Thousand) as mentioned in Section 2(1)(d) of the BNSS, 2023 to the satisfaction of Chief Judicial Magistrate, Buxar in connection with aforesaid P.S. Case subject to the conditions as laid down U/s 482(2) of the BNSS, 2023.

(Dr. Anshuman, J)

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