

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37439 of 2025

Arising Out of PS. Case No.-39 Year-2025 Thana- PARSABAZAR District- Patna

Sunny Kumar S/o Sri Awadhesh Rai R/v Kankatichak, P.S.- Parsa Bazar,
Distt.- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with
CRIMINAL MISCELLANEOUS No. 37472 of 2025

Arising Out of PS. Case No.-39 Year-2025 Thana- PARSABAZAR District- Patna

Rakesh Kumar S/o Sri Ram Chandra Prasad, R/v- West Lane, Mainpura, Ram
Janki Mandir, P.S.- Patliputra, Distt.- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :
(In CRIMINAL MISCELLANEOUS No. 37439 of 2025)
For the Petitioner/s : Mr. Y.C. Verma, Sr. Advocate
Mr. Vijay Kumar Sinha, Advocate
For the Opposite Party/s : Mr. Mohammed Arif, APP
(In CRIMINAL MISCELLANEOUS No. 37472 of 2025)
For the Petitioner/s : Mr. Y.C. Verma, Sr. Advocate
Mr. Vijay Kumar Sinha, Advocate
For the Opposite Party/s : Mr. Mohammed Arif, APP

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

3 03-09-2025

1. Heard learned counsel for the parties.
2. The petitioners have preferred this application for grant of anticipatory bail apprehending his arrest in connection with Parsa Bazar P.S. Case no. 39 of 2025 registered under sections 103(1) and 61(2) of the Bharatiya Nyaya Sanhita, 2023 and section 27 of the Arms Act.



3. As per the prosecution case, the informant states that on having proceeded to attend a meeting, he received a phone call from his wife that shooting was taking place. Soon thereafter, it is stated that she once again called stating that his brother had sustained gun shot injury and that he was being taken to Patna for better treatment. The informant states that the two petitioners herein and one other accused person had forced the informant's brother to sit in the *Scorpio* vehicle. They had taken him around for half an hour. Soon after they let him go from the vehicle, the shooting took place. The informant's brother died in course of treatment.

4. Learned Senior counsel for the petitioners submits that the petitioners have been falsely implicated in the case. Accepting the allegations levelled in the FIR, for the sake of argument, nevertheless, there is no eyewitness to the occurrence. At best, the case against the petitioners is that prior to the occurrence, he had gone with the petitioners in the *Scorpio* vehicle. There is no eyewitness to the petitioners having shot or any person having shot the brother of the informant. The petitioners have no criminal antecedent and they undertake to cooperate in the investigation/trial.

5. The application for anticipatory bail is opposed by



learned A.P.P for the State. Referring to the allegations levelled in the FIR and the material that has transpired in course of investigation, it is submitted that the informant's brother was forcibly taken away by the petitioners along with one another in the *Scorpio* vehicle. He was dropped after half an hour, but soon thereafter, he was shot and the *Scorpio* vehicle fled away. Learned APP for the State submits that the witnesses in paragraph nos. 10 and 24 have supported the prosecution case and some incriminating chat between the petitioners and the deceased has transpired in paragraph no. 55 of the case diary.

6. Having heard learned counsel for the parties and taking into consideration the allegations against the petitioners in the F.I.R., the material that has transpired in course of investigation specially those in paragraph nos. 10 and 24 of the case diary together with the fact that soon after being dropped by the petitioners from the *Scorpio* vehicle that the brother of the informant was shot and the *Scorpio* vehicle fled away, the Court is not inclined to enlarge the petitioners on anticipatory bail and both the applications are rejected.

7. The petitioners are directed to surrender in the learned Court below within a period of four weeks.

8. In case the petitioners surrender within the



aforesaid period and pray for regular bail, the same shall be considered without being prejudiced by this order of rejection.

(Partha Sarthy, J)

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