

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40862 of 2025

Arising Out of PS. Case No.-473 Year-2023 Thana- SAHPUR District- Bhojpur

Sakal Dayal Mahato @ Bhutela S/o Late Nanhak Singh Resident of Village-
Birpur, PS- Shahpur, Distt.- Bhojpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Manoj Kumar, Advocate

For the Opposite Party/s : Mr. Chandra Bhushan Prasad, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

3 25-07-2025 1. Heard learned counsel for the petitioner, Mr. Chandra Bhushan Prasad, learned A.P.P. for the State and learned counsel appearing on behalf of the informant.

2. The petitioner seeks bail in a case registered for the offences punishable under Sections 147, 148, 149, 341, 323, 307, 504 and 506 of the Indian Penal Code as well as Section 27 of the Arms Act.

3. Learned A.P.P. for the State submits that a counter affidavit on behalf of the Civil Surgeon, Bhojpur at Ara and the Investigating Officer of the case has been filed separately. The counter affidavits are taken on record.

4. Learned A.P.P. for the State submits that from perusal of Annexure-A to the counter affidavit filed on behalf of the Civil Surgeon, it would manifest that the injured had suffered gunshot injury. It is further submitted that the gunshot



injury received by the injured entered from the front chest muscle and outside posteriorly, hole present at visit time. Learned A.P.P., thus, submits that petitioner is alleged to have fired causing firearm injury and the injured was inflicted with gunshot injury of the nature as recorded in Annexure-A to the counter affidavit filed on behalf of the Civil Surgeon. It is next submitted that Annexure-A also records swelling in right forearm and abrasion on occipital region 6"x1/2"x1/2". It is, thus, submitted that since petitioner is alleged to have fired causing injury to the injured, the petitioner does not deserve to be released on bail.

5. Learned counsel appearing on behalf of the petitioner is not in a position to rebut the submissions of the learned A.P.P. but then submits that from perusal of Annexure-6 to the bail application, it would manifest that the same records gunshot injury, fracture of both bone of right forearm and fracture of both bone of wrist, a mole below right eye but then Annexure-6 which is the injury report issued by the Doctor to the Officer-in-Charge, Police Station Shahpur does not record on which part of the body the gunshot injury was inflicted on the injured.

6. Learned A.P.P. for the State submits that Annexure-



6 is typed copy of the injury report recorded in the case diary and it appears that the Investigating Officer of the case had not properly recorded the injury report when Annexure-A to the counter affidavit of the Civil Surgeon and Annexure-A to the counter affidavit of the Investigating Officer clearly record that where the gunshot injury was inflicted.

7. Learned counsel appearing on behalf of the informant vehemently opposes the prayer for bail of the petitioner.

8. Considering the submissions made by the learned A.P.P., the Court is not inclined to release the petitioner on bail in connection with Shahpur P.S. Case No. 473 of 2023 pending in the Court of learned Additional Chief Judicial Magistrate-I, Bhojpur at Ara/Successor Court.

10. Hence, the prayer for bail is rejected.

(Satyavrat Verma, J)

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