

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39609 of 2025

Arising Out of PS. Case No.-48 Year-2025 Thana- MOHANPUR District- Samastipur

Sanjeev Rai @ Sanjeev Kumar S/o Mahesh Rai R/o Vill- Dumri Dakshini,
P.S.- Mohanpur, Distt- Samastipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Sudish Kumar, Advocate
For the State	:	Mr.Anish Chandra, APP
For the informant	:	Mr. Vishal Vikram Rana, Advocate
		Ms. Nisha Bharti, Advocate
		Zeeshan Khan, Advocate
		Anurag Darshi, Advocate

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR SINHA
ORAL ORDER

3 13-08-2025 Heard learned Counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. The petitioner seeks bail in connection with Mohanpur P.S. Case No. 48 of 2025, registered for the offence punishable under Sections 126(2)/ 115(2)/ 118(2)/ 109/352/ 351(2)/ 3(5) of Bhartiya Nyaya Sanhita and 27 of Arms Act.

3. That the petitioner submits that he has no antecedent.

4. The case of the prosecution in brief as per the FIR is that the informant while going to attend the patient F.I.R. named accused persons including the petitioner were armed with pistol and on seeing the informant, co-accused, Mahesh Rai,



said that he is the person who informed the police regarding illicit mining and liquor and extorted to kill the informant whereupon the accused persons including the petitioner open fire on the informant and while informant was trying to escape, he was hit by a bullet in his stomach. When informant's co-villagers, Dilip Rai, came to rescue, he was also hit by a bullet.

5. Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case and his name has been roped in this case out of malice and grudge. Learned counsel further submits that there is no specific allegation against the petitioner of firing and that there is only general and omnibus allegation. He further submits that as a matter of fact, the informant's side was aggressor who committed murderous attack by opening fire at the Darwaja of the petitioner and in course of scuffle, the informant sustained injury in such firing by them. Learned counsel further submits that one of the F.I.R. named accused, Sanjay Rai, sustained fire arm injury and other were brutally assaulted by deadly weapon and a case Mohanpur P.S. Case No.65 of 2025 was filed by the wife of Mahesh Rai, Mukhiya and the present F.I.R. is in the nature of counter blast to the said case. Learned counsel further submits that no case of illegal mining or sale of illicit liquor is



pending against the co-accused, Mahesh Rai or against the petitioner. Emphasizing that the petitioner has no criminal antecedent and for no reason he is languishing in jail since 19.03.2025, prayer for grant of regular bail has been made.

6. Learned A.P.P. appearing for the State opposes the prayer for grant of regular bail and submits that all the accused persons including the petitioner were armed with pistol and have fired which resulted in informant and one other person get injured. Learned APP further submits that after investigation, the I.O. has found the case to be true and has submitted the charge-sheet against the petitioner and has kept investigation pending against other accused persons. He further submitted that the informant was seriously injured and he is still under treatment.

7. Learned counsel appearing for the informant also opposes the prayer for grant of regular bail. He also submits the fact that it is not correct on the part of the learned counsel for the petitioner to say that he had been implicated merely on the basis of general and omnibus allegation. In fact as per learned counsel for the informant, the F.I.R is specific on the point that the petitioner along with other accused person were armed with pistol and petitioner also participated in firing along with other



accused persons with the intention to kill the informant.

8. Upon perusal of the material available on record, it is cleared that there is specific allegation against the petitioner of being armed with pistol and also of participating in the firing which has caused injury to the informant in his stomach. It further transpires that when a co-villager, Dilip Rai, came to rescue, he was also hit by bullet. The injury report corroborates that the injury has been caused by gunshot.

9. Considering all these aspect of the mater and particularly taking note of the gravity of the offence alleged to have been committed by the petitioner, I am not inclined to grant bail to the petitioner at this stage and accordingly, the bail of petitioner is rejected.

(Alok Kumar Sinha, J)

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