

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53267 of 2025

Arising Out of PS. Case No.-115 Year-2025 Thana- BHAGWANPUR District- Kaimur
(Bhabua)

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Abhay Pandey @ Abhay Shankar Pandey S/o Dau Pandey Resident of
village- Dara, P.S.- Bhagwanpur, District- Kaimur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Shashi Kant

For the Opposite Party/s : Mr.Sanjay Kumar Pandey, APP

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 18-08-2025 1. Heard learned counsel for the petitioner and
learned A.P.P. for the State.

2. The petitioner apprehends his arrest in connection
with Bhagwanpur P.S. Case No. 115 of 2025, registered for the
offences punishable under Sections 126(2), 115(2), 109, 352,
351(2), 3(5) of the Bharatiya Nyaya Sanhita and Section 27 of
the Arms Act.

3. Learned counsel for the petitioner submits that
petitioner has antecedent of two cases and the informant alleges
that he had given Rs. 54,000/- to Sintu, who was not returning
the money, further the informant had gone to attend a marriage
at the village Bahuri, where petitioner came and on the pretext
of returning the money, took him near a temple, where named



accused persons were present from before in a drunken state and Sintu fired causing injury on his stomach, while Ishwar fired causing firearm injury on chest of Antu.

4. The learned counsel for the petitioner submits that petitioner has been falsely implicated in the instant case being brother of Sintu. It is next submitted that from perusal of the allegation as alleged in the FIR, it would manifest that allegation of firing is against Sintu and Ishwar. It is further submitted that informant suffered simple firearm injury. It is next submitted that though it is alleged that Ishwar fired causing firearm injury on chest of Antu but then from perusal of the injury report annexed as Annexure-2 to the anticipatory bail application, it would manifest that Antu received injury by hard and blunt substance which negates the allegation of injury being caused by firearm.

5. The learned APP vehemently opposes the anticipatory bail application and submits that petitioner has antecedent of two cases, further he may not have fired but then the informant specifically alleges that while he was in a marriage when petitioner came and took him near a temple, where the accused were present from before and Sintu fired causing injury in his stomach, it is next submitted that though



the injury has been opined to be simple but then the injury was caused by firearm and it was luck of the informant that he did not receive a grievous injury. It is also submitted that since accused were present at the place of occurrence including the petitioner which emboldened Sintu to fire.

6. Considering the submissions made by the learned APP, the Court is not inclined to extend the privilege of anticipatory bail to the petitioner.

7. Accordingly, the prayer for anticipatory bail of the petitioner is rejected.

(Satyavrat Verma, J)

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