

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.56521 of 2024

Arising Out of PS. Case No.-95 Year-2024 Thana- HILSA District- Nalanda

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Tunna Pandey @ Monu Pandey @ Sukesh Kumar Son Of Rajkumar Pandey
R/V- Village- Akbarpur, P.S.- Hilsa, Distt.-Nalanda

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ravi Shanker Pankaj, Adv.

For the Opposite Party/s : Mr. Madan Kumar, APP I/c

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CORAM: HONOURABLE MR. JUSTICE S. B. PD. SINGH

ORAL ORDER

4 20-02-2025 Heard the parties.

2. The petitioner is apprehending his arrest in connection with Hilsa P.S. Case No. 95 of 2024 for the offence under Sections 341, 342, 323, 326, 379, 307, 34 of the Indian Penal Code.

3. As per the prosecution story, on 08.02.2024, when the informant was in his medical shop, one person came at his shop and asked to come to his house at Noniabigha as his *Bhagina* was ill. Informant went with him on his Motorcycle with medicine and injection. When the informant reached at Noniabigha, some unknown persons surrounded him and stopped the motorcycle. Thereafter, petitioner i.e., Tunna Pandey, fired upon the informant's head due to which he sustained scratch wound. Thereafter informant tried to flee



away, but again on the order and instigation of Raj Kumar Pandey, Mukesh pandey fired on informant due to which he sustained injury at right side of upper waist and he fell down. He further alleged that mobile and Rs. 5000/- were also snatched by accused persons.

4. Learned counsel for the petitioner submits the petitioner is quite innocent and he has falsely been implicated in the present case due to personal grudge and previous professional rivalry and enmity. It is also submitted that the informant and petitioner are co-villagers and informant had named the petitioner due to previous business rivalry. He submits that actually the informant has not sustained fire arm injury as per the allegation, the injuries were found in right side of the body which does not seem to be caused by fire arm as no blackish mark or wound found on the informant's body and doctor opined that the injuries were simple in nature. He alleged that petitioner has sustained the injuries in another event of motorcycle accident, thus, the whole allegation is concocted and framed against the petitioner and co-accused family members by the informant after hatching a conspiracy without the presence or any overt act done by the petitioner.

5. Learned APP opposes the prayer and submits that



there is a specific allegation against the petitioner.

6. As per the FIR, there is specific allegation against the petitioner along with other co-accused persons to shot fire on the informant – Dipak Chaudhari on the alleged date of occurrence. As per case diary in para 4, 5, 27, and 63, all the witnesses have supported the allegation and the occurrence alleged in FIR. In para 55 injury report of injured has been reproduced by the I.O. which presently suggests the fire arm injury. In para 59 of the case diary the confessional statement of Abhishek Raj @ Neeraj Kumar has been recorded by the Police which suggests the motive and intention of the petitioner. Investigation is still going on.

7. Keeping in view the aforesaid facts and considering the serious nature of the acts committed by the petitioner, I am not persuaded to enlarge the petitioner on bail.

8. Accordingly, the present petition for anticipatory bail stands rejected.

(S. B. Pd. Singh, J)

prabhakar/-

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