

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.69412 of 2024

Arising Out of PS. Case No.-392 Year-2024 Thana- SHASTRINAGAR District- Patna

Sanchit Ray @ Sanchit Roy S/o Ram Ayodhya Rai, resident of Mohalla-Machli Gali, Gali No. 01, Raza Bazar, Rukunpura, B.V. College, PS Shashtri Nagar, District Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Pintu Kumar Patel, Adv.
For the State	:	Mr.Md. Mushtaque Alam, APP
For the O.P. No.2	:	Mr. D.P. Gupta

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

6 24-01-2025 Heard Mr. Pintu Kumar Patel, learned counsel for the petitioner, Mr. Md. Mushtaque Alam, learned APP for the State and Mr. D.P. Gupta, learned counsel for the informant.

2. The petitioner apprehends his arrest in connection with Shashtri Nagar P.S. Case No. 392 of 2024 dated 19.05.2024 registered for the offences punishable under Sections 326, 307 and 120 B read with Section 34 of the Indian Penal Code and under Section 27 of the Arms Act.

3. As per the prosecution story, on 19.05.2024, the informant was working near his flat, while his elder brother Guddu Babu @ Avinash Anand was standing near his motorcycle near Sai Temple, in the meantime, three accused persons including the petitioner allegedly attacked the



informant's brother by opening fire at him and fled away. Informant further alleged that the attack was a part of a conspiracy hatched up by the petitioner and the other three co-accused persons, the cause of the attack is said to be the removal of cattle shed (khatal) run by the accused persons which they believed that it was removed due to the informant's involvement.

4. The main submissions advanced by learned counsel appearing for the petitioner are that though the petitioner is named in the FIR but against him, there is no specific allegation and he has fair and clean antecedent and as per the prosecution story, three accused persons including the petitioner came on a motor cycle and opened fire at the informant's brother but during the course of investigation the footage of C.C.T.V. installed nearby the place of occurrence was scanned by the police in which three persons were seen coming on a motor cycle during the relevant time nearby the place of occurrence but all of them were seen having covered their faces with mask and towel, so, in such a situation how could the accused persons be identified by the prosecution party and due to this fact the entire prosecution allegation is completely suspicious. It is further submitted that as per the injury report of the injured the



injury found on his person has been opined to be caused by a blunt and hard object which is not possible by a gunshot and the medical opinion is completely contradictory to the allegations. It is further submitted that petitioner is suffering from the disease of the kidney and his health condition is not good and he will not survive if he is sent in judicial custody.

5. On the contrary, learned counsel appearing for the informant has vehemently opposed the prayer for bail of the petitioner and submits that there is serious allegation against this petitioner and he is named in the FIR and the injured himself claimed to have identified the petitioner and other accused persons and during the treatment pellet was recovered from the body of the injured of which seizure memo has also been prepared. He further submits that anticipatory bail petition of co-accused, Krishna Mistri @ Krishna Paswan carrying similar nature of allegation has been rejected by this court vide order dated 17.12.2024 passed in Cr. Misc. No. 68633 of 2024.

6. Learned APP for the State has also opposed the bail prayer of the petitioner.

7. Considering the seriousness of the allegation appearing against this petitioner from the FIR which relates to attempt to murder committed by using a firearm and in this



regard, paragraph 74 of the case diary as contended by the informant's counsel is relevant and the case is still under investigation and as per the injured's statement there was no good relation in between the petitioner and the prosecution party, in my opinion, it is not a fit case for grant of anticipatory bail to the petitioner, accordingly his prayer stands rejected.

8. However, considering the petitioner's kidney ailment, as submitted above, he is given liberty to surrender before the trial court within three weeks from today and if he surrenders within the said period the learned trial court shall decide his regular bail prayer without being prejudiced by this order according to merit and also examining the petitioner's health condition.

(Shailendra Singh, J)

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