

rising Out of PS. Case No.-924 Year-2024 Thana- JAHANABAD District- Jehanabad

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Shivendra Prasad, Advocate.
For the Opposite Party/s	:	Mr. Lalan Kumar, APP
For the Informant	:	Mr. P.N. Shahi, Sr. Advocate.
		Mr. Amit Anand, Advocate.
		Mr. Dwij Raj, Advocate.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 07-10-2025 1. Heard learned counsel for the petitioner, learned
A.P.P. for the State and the learned counsel appearing on behalf
of the informant.

2. The petitioner apprehends his arrest in a case registered for the offences punishable under Sections 126(2), 109(i) and 3(5) of the B.N.S. & Section 27 of the Arms Act.

3. Learned counsel for the petitioner submits that petitioner has antecedent of one case but then the said case was also instituted by the informant. It is next submitted that informant alleges that while he along with his uncle were returning after purchasing medicine, when they were intercepted by the petitioner and on order of petitioner, accused Rakesh



fired, causing firearm injury on left hand of his uncle, the injured was taken to hospital, from where, he was referred to PMCH.

4. Learned counsel for the petitioner submits that petitioner has been falsely implicated in the instant case by the informant. It is next submitted that from perusal of the allegation, as alleged in the FIR, it would manifest that the same gives an impression as if the petitioner intercepted the informant and thereafter on his order, Rakesh fired causing firearm injury to the uncle of the informant. It is next submitted that petitioner is own uncle of the informant but then the relationship has been concealed. It is further submitted that during the initial investigation, the police doubted the occurrence. It is next submitted that the injury suffered by the injured was opined by the doctor initially to be caused by hard and blunt substance but three months thereafter, a Medical Board was constituted and the Medical Board opined that the injury may be a suspected firearm injury. It is further submitted that during the course of investigation, the CDR of the petitioner was investigated and it was found that tower location of the mobile of the petitioner was at his village and not at the place of occurrence. The learned counsel for the petitioner submits that it absolutely does not



stand to reason that had the injury suffered by the injured would have been caused by firearm, whether the Medical Board would have opined that it is a case of suspected firearm injury or with certainty would have recorded that the injury was caused by firearm, which casts an aspersion on the case of the prosecution. It is also submitted that initially when the doctor had examined the injured, it was opined that the injury has been caused by hard and blunt substance but later the injury report was manipulated. It is also submitted that it absolutely does not stand to reason that as to why the informant in the FIR concealed his relationship with the petitioner, which also casts an aspersion on the case of the prosecution. It is also submitted that injured is own brother of the petitioner and no prudent person would commit such an occurrence, where he creates evidence against himself. It is next submitted that a proceeding under Section 144 Cr.P.C. has been decided in favour of the petitioner, as has been specifically pleaded at Para-11 of the anticipatory bail application. It is also submitted that on account of dispute relating to property, a false case has been instituted.

5. Learned A.P.P. for the State and the learned counsel appearing on behalf of the informant opposes the prayer for anticipatory bail of the petitioner but then the learned counsel



appearing on behalf of the informant is not in a position to rebut the submission of the learned counsel appearing on behalf of the petitioner that informant in the FIR has not disclosed his relationship with the petitioner and the initial Medical report recorded the injury to be caused by hard and blunt substance and subsequently when Medical Board was constituted, the same also did not record with certainty that the injury was caused by firearm.

6. Considering the submissions made by the learned counsel for the petitioner, the petitioner above-named, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned trial court where the case is pending/successor court in connection with Jehanabad (Kalpa) P.S. Case No.924/2024, subject to the conditions as laid down under Section 482(2) B.N.S.S.

(Satyavrat Verma, J)

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