

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.73010 of 2025

Arising Out of PS. Case No.-439 Year-2025 Thana- SITAMARHI District- Sitamarhi

Sunil Rai @ Sunil Ray S/O Rajan Ray @ Ranjan Ray R/O Village- Sirauli,
Ward No. 4, P.S- Riga, Distt.- Sitamarhi,

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Deepak Kumar

For the Opposite Party/s : Mr. Shahabuddin Azeem @ S. Azeem

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 19-11-2025 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks bail in connection with Sitamarhi P.S. Case No. 439 of 2025, registered for the offences punishable under Sections 109(1), 3(5) of the B.N.S., 2023 and Section 27 of the Arms Act.

3. As per prosecution case, there is allegation against the petitioner who is said to have fired from his pistol and which hit the shoulder of the informant.

4. Learned counsel for the petitioner submits that as per allegation fired upon the informant but from perusal of the injury report, doctor opined cause of injury is simple in nature caused by hard and blunt substance. Allegation in the F.I.R. put question mark on the authenticity of the F.I.R. as the



injury report does not corroborate the allegation made in the F.I.R. There is delay of one day in the date of occurrence dated 12.06.2025 and the F.I.R. was lodged on 13.06.2025. Delay has not been explained. Petitioner and informant are co-villagers and on account of some quarrel was done at place of occurrence and the informant manages some fired empty cartridges produced before the Police and without proper investigation the Police seized four empty cartridges. Basically no firearm was recovered from the possession of the petitioner and the petitioner was apprehended on the place of occurrence. Petitioner is in custody since 14.06.2025. Charge sheet has already been submitted in the case and there is no likelihood of tampering with the prosecution evidence. Petitioner has three criminal antecedents and in all cases he is on bail.

5. The learned A.P.P. for the State vehemently opposes the prayer for bail of the petitioner and submits that there is specific allegation of firing is upon the petitioner and the petitioner cannot escaped from the allegation made in the F.I.R.

6. Considering the facts and circumstances of the case, keeping in view the period of custody, allegation in F.I.R. not supported the injury report, period of custody, charge sheet



has been submitted in the case and there is no likelihood of tampering with the prosecution evidence, nothing was recovered from the conscious possession of the petitioner, let the petitioner above named be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned court of C.J.M., Sitamarhi, in connection with Sitamarhi P.S. Case No. 439 of 2025, subject to following conditions:-

(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has sworn the affidavit in bail application.

(ii) Petitioner will co-operate in trial and will remain present on all dates and absence for two consecutive dates without appropriate permission, would be a ground for cancellation of bail by the learned Trial court itself.

(iii) If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(Alok Kumar Pandey, J)

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