

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.83104 of 2024

Arising Out of PS. Case No.-41 Year-2023 Thana- MATIHANI District- Begusarai

Shambhu Kumar @ Shambhu Son of Late Suresh Nishad R/o Vill.- Malhipur,
Bind Toli, P.S.- Chakiya, Dist.- Begusarai.

... .. Petitioner/s

Versus

The State of Bihar Patna

.. .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rana Baljit Singh, Advocate

For the Opposite Party/s : Mr. Ram Anurag Singh, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SOURENDRA PANDEY
ORAL ORDER

4 21-04-2025 Heard learned counsel for the petitioner, and the
learned A.P.P. for the State.

2. The petitioner seeks regular bail in connection with
Matihani P.S. Case No. 41 of 2023, G.R. No. 1140 of 2023,
registered for the offences punishable under Sections 307 and 34
of the Indian Penal Code and 27 of the Arms Act.

3. The prosecution case in brief is that on 13.02.2023,
co-accused Nikku Kumar came at the informant's house and
said to walk outside, then, the informant came out from his
house with co-accused Nikku Kumar. When they reached about
500 yards away, then, the petitioner and co-accused Futuki
Mahto came out from the field of maize. Petitioner fired upon
the informant and bullet hit on his belly. Thereafter, all three
accused persons fled away from spot, the informant was taken
to the hospital.

4. Learned counsel for the petitioner submits that



petitioner is innocent and has falsely been implicated in this case as an afterthought as the incident had occurred on 13.02.2023, while his *fardbeyan* was recorded on 19.02.2023 and finally the FIR was registered on 02.04.2023 i.e., after a delay of 49 days. Learned counsel further submits that the petitioner is in custody since 31.07.2024 on vague charges of firing upon the informant.

5. Learned counsel for the A.P.P. has vehemently opposed the prayer for bail and has submitted that there is specific allegation upon the petitioner to have fired upon the informant resulting in injury, who had to undergo treatment in the hospital at Begusarai and hence, the delay caused in giving the statement.

6. Considering the fact that there is specific allegation upon the petitioner to have fired upon the informant and the informant has himself given a *fardbeyan* during treatment at Begusarai, I am not inclined to grant the petitioner privilege of regular bail.

7. Accordingly, the prayer for bail is rejected.

(Sourendra Pandey, J)

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