

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24445 of 2025

Arising Out of PS. Case No.-103 Year-2024 Thana- DHANSOI District- Buxar

Shivendra Shukla @ Shubendra Shukla S/O Sri Bihari Shukla R/O Village-
Parwat Chak, P.S- Dhansoi, Distt.- Buxar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sunil Kumar Pathak
For the State : Mr.Shantanu Kumar
For the informant : Mr. Rajani Kant Pandey

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

- 3 11-02-2026 1. Heard learned Counsel for the petitioner, learned Counsel for the informant and learned Additional Public Prosecutor for the State.
2. This application, for grant of anticipatory bail, arises out of Dhansoi Police Station Case No. 103 of 2024, dated 02.08.2024, disclosing offences punishable under Sections 109/3(5) of the Bhartiya Nyaya Sanhita, 2023 and Section 27 of the Arms Act.
3. The prosecution case, as per the First Information Report, is that on 01.08.2024, the informant received a phone call that his younger brother, Md. Asgar, had been shot. Upon such information, the informant proceeded towards the place of occurrence and found his brother lying near



parvatchak canal. Thereafter, the informant informed the police and upon arrival of the police, the injured, Md. Asgar, disclosed the name of the petitioner along with other co-accused persons as the assailants. It is further alleged that the petitioner fired from a country made pistol, causing injury on the right arm above the elbow. It is also alleged that co-accused Sudhakar Pandey was armed with a rifle, while another co-accused, Bihari Shukla, had caught hold the injured.

4. Learned Counsel for the petitioner submits that the petitioner has falsely been implicated in this case due to land dispute and the prosecution story is completely false, fabricated and concocted. He next submits that the entire dispute relates to an old land dispute, in which the land of the petitioner was fraudulently sold to the informant's wife by the present MLA, in connivance with the police authorities and as such, at the instance of the MLA, the informant has falsely implicated the petitioner in the present case. He further submits that co-accused Bihari Shukla has been granted anticipatory bail by a Co-ordinate Bench of this Court, vide order, dated 01.05.2025, passed in Criminal Misc. No. 23038 of 2025.



5. On the other hand, learned counsel for the informant vehemently opposes the prayer for anticipatory bail and submits that there is direct allegation of firing upon the petitioner and from perusal of injury report, it would be evident that the bother of the informant sustained fire arm injury over right arm. He next submits that the petitioner has one criminal antecedent of similar nature of offence.
6. Having regards to the submission made by the parties and taking into consideration the nature of allegation and gravity of offence and the fact that the petitioner is main assailant and he has got criminal antecedent also, I am not inclined to grant the petitioner privilege of anticipatory bail.
7. This application is, accordingly, dismissed.

(Anil Kumar Sinha, J.)

Prabhakar Anand/-

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