

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25203 of 2026

Arising Out of PS. Case No.-96 Year-2026 Thana- BUDDHACOLONY District- Patna

Nishu S/O Dharendra Ray R/O Mohalla- New Punaichak, P.O.- GPO Main,
P.S.- Kotwali, District- Patna, Bihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Awnish Kumar

For the Opposite Party/s : Mr. Uma Shankar Prasad Singh, APP

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

- 4 29-04-2026 1. Heard learned Senior counsel appearing on behalf of the petitioner, Sri Rajesh Kumar Singh assisted by learned Advocate, Mr. Awnish Kumar and learned A.P.P. for the State, Mr. Uma Shankar Prasad Singh.
2. The petitioner apprehends his arrest in connection with Buddha Colony P.S. Case No. 96 of 2026 for the offences punishable under Sections 191(3), 190, 109 and 118(1) of the BNS, 2023 read with Sections 25(1-B) (a) and 27 of the Arms Act.
3. The SHO, Budha Colony P.S. and the Investigating Officer of the case, in compliance of the order dated 27.04.2026, are present in the Court.
4. Learned Senior counsel appearing on behalf of the petitioner submits that similarly situated co-accused Rahul



Kumar Gaurav @ Prince Kumar has been granted the privilege of anticipatory bail by a learned Co-ordinate bench of this Court, on which the learned APP submits that no doubt Rahul Kumar Gaurav has been granted the privilege of anticipatory bail, on the issue that his name transpired in the confessional statement, it is next submitted that confessional statement in police custody does not have any evidentiary value, but then whether police collected any subsequent material connecting the petitioner with the offence is an aspect which needs to be appreciated.

5. The learned APP for the State next submits that it is a case where Vikash is alleged to have been shot by the unknown accused persons. It is next submitted that during the course of investigation based on CCTV footage, the police recorded the description of the accused present at the place of occurrence at Para-75 of the case diary, it is further submitted that after recording the description of the accused persons present at the place of occurrence, the police subsequently investigated that who were the accused persons who were present at the place of occurrence and based on the CCTV footage several accused were identified including the petitioner whose name stands recorded at Para-77 of the case diary.



6. The SHO, who is present in the Court, also submits to the same effect.

7. The learned Senior counsel appearing on behalf of the petitioner, at this stage, submits that it is not in dispute that Vikash got shot and received five firearm injuries, but then statement of Vikash was recorded at Medanta hospital by the police which finds mention at Para-71 of the case diary. It is next submitted that from perusal of the statement of Vikash, it would manifest that he has stated that he was called by one Putus to celebrate his birthday and accordingly he had gone to the place of occurrence where Bholu along with others were also present and some dispute arose in between Bholu and Putus, as such, he intervened and asked Bholu as to why he pushed Putus, on which Bholu and one another accused fired at him leading to five firearm injuries, it is thus submitted that Vikash has not even remotely suggested that it was petitioner who committed the occurrence of firing nor names the petitioner, on which the learned APP submits that Vikash may not be knowing the petitioner and the police is investigating the matter, but then Vikash got shot though by Bholu and one another person but from the CCTV footage, it is clear that petitioner was also present at the place of occurrence which



stands recorded at Para-77 of the case diary, as such, the investigation presently is continuing and if privilege of anticipatory bail is granted, the petitioner may abscond, on which the learned Senior counsel appearing on behalf of the petitioner submits that a supplementary affidavit has been filed on behalf of the petitioner wherein it has been specifically pleaded that petitioner is a registered Contractor with the Public Works Department, Bihar, on which the learned APP submits that occurrence of firing took place in Patna, Vikash was shot and petitioner from the CCTV footage has been identified, hence, if privilege of anticipatory bail is granted to the petitioner, the petitioner may also try to tamper with the evidence.

8. After hearing the learned counsel for the parties, the Court is not inclined to extend the privilege of anticipatory bail to the petitioner.

9. Accordingly, the instant anticipatory bail application stands rejected.

(Satyavrat Verma, J)

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