

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48251 of 2015**

Arising Out of PS. Case No.-21 Year-2011 Thana- LAKHNAUR District- Madhubani

Sanjay Mahto @ Sanjay Kumar @ Sanjay Kumar Singh S/o Sri Ajab Mahto
@ Ajab Singh Parnami R/o Village- Gangapur, P.S.- Lakhtaur, District-
Madhubani.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Yogendra Kumar, Advocate

For the Opposite Party/s : Mr. Chandra Bhushan Prasad, APP

**CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER**

2 29-08-2023 1. Heard learned counsel for the petitioner and
learned A.P.P. for the State.

2. The present application has been filed seeking
quashing of the order dated 20.03.2013 passed by the learned
A.C.J.M., Jhanjharpur whereby cognizance has been taken
under Sections 3 and 4 of the Explosive Substances Act against
the petitioner in connection with Lakhtaur P.S. Case No. 21 of
2011.

3. Learned counsel for the petitioner submits that
police after investigation submitted charge-sheet in a
mechanical manner based on which cognizance was taken when
petitioner is innocent. It is further submitted that in fact no
occurrence in the manner alleged ever took place and the entire



prosecution version is full of concoction and fabrication. It is next submitted that it was the day of Holy festival and the petitioner was injured for which he was taken to Jhanjharpur Hospital for treatment and thereafter he was referred to the P.M.C.H. for better treatment. The petitioner got injured on account of throwing of high intensive cracker but came to be implicated with false allegation by the informant alleging that he got injured while making bomb.

4. Shri Chandra Bhushan Prasad, the learned A.P.P. for the State vehemently opposes the submissions made by the learned counsel for the petitioner and submits that whatever submissions have been made by the learned counsel for the petitioner are in nature of defence which cannot be looked at this stage.

5. Considering the submissions made by the learned A.P.P. for the State, the Court is not inclined to entertain the instant quashing application.

6. Accordingly, the quashing application is rejected.

(Satyavrat Verma, J)

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