

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.55392 of 2024

Arising Out of PS. Case No.-113 Year-2023 Thana- BELAGANJ District- Gaya

Md. Sajid @ Md. Sajid Ali S/o Ali Sabir R/o vill - Kuri Sarai, P.S. - Belaganj,
Distt. - Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Tabish Sharfuddin, Adv

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

**CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH
SINGH**

ORAL ORDER

2 27-09-2024 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in connection with Belaganj P.S. Case No. 113 of 2023 dated 23.02.2023 registered for the offences punishable under Sections 147, 148, 149, 341, 342, 323, 307, 352, 302 of the I.P.C., Section 25 (1-b) a, Section 35 of the Arms Act and Section 3 and 4 of the Indian Explosive Act.

3. As per the prosecution case, on 23.02.2023 at about 4:00 AM the informant got information that three miscreants had entered the village on a Scorpio vehicle with intent to commit theft and villagers were thrashing them. For verification, the informant reached Shiv Temple and saw that



on seeing police, Bablu Singh, Gaya Singh, Vickey Singh, Chhiku Singh, Jayant Kumar, Lutan Kumar and Bholi Singh along with about 100-150 villagers started fleeing away. The petitioner and the two co-accused persons were laying in injured condition and the said Scorpio was found parked/standing beside them. On being searched the said Scorpio, three live cartridges, one sutli bomb, three mobile phones, *garasa* and one knife were recovered.

4. Learned counsel for the petitioner has submitted that the petitioner is innocent and has been falsely implicated in this case. The petitioner is not the owner of the said seized vehicle. No incriminating article has been recovered from the conscious possession of the petitioner. Learned counsel has further submitted that the petitioner has no concern with the alleged offence rather petitioner is victim of mob-lynching and he was brutally assaulted by the mod due to which he sustained injury. The petitioner has one criminal antecedent as stated in para 3 of the bail petition.

5. Learned A.P.P. for the State has opposed the prayer for anticipatory bail of the petitioner by submitting that the witnesses have supported the petitioner's involvement and participation in the alleged occurrence. The said bomb and



cartridges were recovered from the said vehicle which was in possession of the petitioner and the co-accused persons.

6. Considering the aforesaid facts and circumstances of the case as well as the recovery of bomb and cartridges from the conscious possession of the petitioner, I am of the view that no case for grant of anticipatory bail is made out. Accordingly, the petition is rejected and the petitioner is directed to surrender to the Court below within six weeks from the date of this order and the Court below will consider the prayer of bail of the petitioner in accordance with law and on its own merits without being prejudiced by this order.

7. The application stands rejected.

(Chandra Prakash Singh, J)

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