

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.8632 of 2025

Arising Out of PS. Case No.-393 Year-2024 Thana- SHERGHATI District- Gaya

Md. Jalaluddin S/O Lal Mohammad Resident Of Mastipur - P.S- Muffasil,
District- Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Krishna Prasad Singh, Sr. Adv.
		Mr. Bhaskar Shankar, Adv.
For the Opposite Party/s	:	Mr. Choubey Jawahar, APP

**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

3 16-04-2025 Heard learned counsel for the petitioner and Mr.

Choubey Jawahar, learned APP for the State. Perused the case

diary.

2. The petitioner seeks bail in connection with

Sherghati P.S. Case No. 393 of 2024 instituted for the offences

under Section 309(6) of the Bhartiya Nyaya Sanhita, 2023 and

Section 27 of the Arms Act.

3. The prosecution case, in short, is that three persons

bearing helmets and masks came on a black motorcycle and

started beating and snatching the Informant. Thereafter, one of

three shot him with the pistol on his left waist due to which he

sustained fire-arm injury whereafter all the three persons fled

away with Rs. 14,01,500/- which was kept in his bag.



4. Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence as alleged against him and has falsely been implicated in the present case. The petitioner is not named in the F.I.R. as the same has been lodged against unknown. Learned counsel for the petitioner submits that the entire looted amount as well as the Aadhar Card, finger print bio-metric device and a country-made pistol with live bullet were recovered from the co-accused Sonu Gupta but, only with a view to make the petitioner accused in this case, finger-print device and Aadhar Card were shown to have been recovered from the possession of the petitioner and, thus, showing false recovery, the petitioner was arrested from his house. He further submits that as a matter of fact, nothing incriminating has been recovered from the conscious possession of the petitioner. The petitioner has no concern with the alleged occurrence. There is a non-compliance of Section 103 of the B.N.S.S. which creates a serious doubt in the prosecution case. The petitioner has five criminal antecedents and is languishing in judicial custody since 04.08.2024 without any rhymes or reason.

5. On the other hand, learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner,



stating that the offence alleged is serious in nature. The police has recovered Rs. 14,01,500/- and a country-made pistol with a live bullet from the possession of the co-accused Sonu Kumar. He further submits that the petitioner has confessed his guilt of being involved in the alleged occurrence. Injury report also supports the prosecution case.

6. Having heard learned counsel for the parties and considering the nature and gravity of the offence, this Court is not inclined to grant bail to the petitioner at this stage.

7. Accordingly, the prayer for bail of the petitioner, above named, is rejected with a direction to the court below to expedite the trial and conclude the same expeditiously.

(Rudra Prakash Mishra, J)

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