

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36638 of 2025

Arising Out of PS. Case No.-323 Year-2024 Thana- SABAUR District- Bhagalpur

Md. Chand @ Mohammad Chand S/O Mohammad Izhar @ Md. Ghokuya
Resident of Village/Mohalla- Safiagarhi, PS- Sabour, Distt- Bhagalpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : None

For the Opposite Party/s : Mr. Upendra Kumar, A.P.P

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

3 06-08-2025 Upon repeated calls, no one appears on behalf of the
petitioner. However, learned A.P.P. for the State is present.

2. The petitioner seeks regular bail in connection with Sabour P.S. Case No. 323 of 2024 lodged on 07.09.2024, for the offence punishable under Sections 126(2), 115(2), 109, 132, 74, 308(3), 308(4), 262, 352 & 351(2) of the Bharatiya Nyaya Sanhita, 2023 read with sections 25(1-B)(a) & 26 of the Arms Act, pending in the Court of Chief Judicial Magistrate, Bhagalpur.

3. As per the prosecution, FIR has been lodged against the sole petitioner. It has been alleged in the FIR that the petitioner armed with weapon demanded extortion money from Bittu Kumar and assaulting him near High School, Sabour



Chowk, NH-80. When informant reached at the spot, he saw that two male persons and one female were fighting and on seeing the police party they tried to flee away but caught by the police. Upon search in presence of independent witnesses, one loaded *desi katta* along with four live cartridges have been recovered from the conscious possession of the petitioner.

4. It has been pleaded in the present bail application that the petitioner is innocent and has committed no offence and he has falsely been implicated in this case due to land dispute. It has also been pleaded that there is no direct or indirect evidence against the petitioner and no incriminating articles were recovered from the possession of the petitioner as there is no signature of independent witnesses on the seizure list. Charge-sheet has already been submitted and petitioner is ready to furnish bail bond as imposed by this Hon'ble Court. It has also been mentioned in the bail application that the petitioner is in custody since 08.09.2024, having six criminal antecedents.

5. Learned APP for the State opposes the prayer for bail of the petitioner and submits that the petitioner has six criminal antecedents and he was apprehended from the place of occurrence with one loaded *desi katta* along with four live cartridges in presence of two independent witnesses demanding



ransom.

6. As such, considering the fact that the petitioner was apprehended from the place of occurrence demanding ransom from the shopkeeper situated at NH-80 and one loaded *desi katta* along with four live cartridges have been recovered from his possession, this Court is not inclined to grant bail to the petitioner. Accordingly, the prayer for anticipatory bail of the petitioner is hereby rejected.

(Dr. Anshuman, J)

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