

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.75854 of 2025

Arising Out of PS. Case No.-332 Year-2025 Thana- SAHARSA SADAR District- Saharsa

Md. Mojahid @ Md. Mojahid Alam, Son of Md. Isarail @ Md. Isarail Khan,
Resident of Village- Hakapara Ward No. 14/05, P.S.- Saharsa, Dist- Saharsa
... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Chandra Mohan Jha, Advocate
For the Opposite Party/s : Mr. Mohammed Arif, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

3 06-02-2026 Heard learned counsel for the petitioner and learned

Additional Public Prosecutor for the State duly assisted by

learned counsel appearing for the informant.

2. The accused/petitioner is named in the FIR and apprehending his arrest in connection with Saharsa Sadar P.S. Case No.332 of 2025 registered for the offences punishable under Sections 126(2), 352, 109 read with 3(5) of the Bhartiya Nyaya Sanhita, 2023 (for short 'B.N.S.'), Section 27 of the Arms Act but, later on, Sections 25(1-B)a, 26, 35 of the Arms Act and Section 103(1) of the B.N.S. were added in the FIR.

4. Allegation against petitioner is to shot dead the brother of informant, where the occurrence alleged to be



arising out of land dispute.

5. It is submitted by learned counsel appearing for petitioner that the petitioner has been falsely implicated with present crime in question. It is submitted that informant is not the eye-witness of the occurrence and merely on the basis of suspicion, petitioner was named in the FIR. It is further submitted that even call detail reports also raised only suspicion *qua* involvement of petitioner with present crime. It is submitted that the investigation of this case has already concluded on all material aspects *qua* apprehended accused persons and, therefore, sending the petitioner behind the custody, would not serve any judicial purpose. The petitioner claimed clean antecedent.

6. Learned APP duly assisted by learned counsel appearing for the informant while opposing the prayer of bail submitted that in terms of confession of apprehended co-accused, this petitioner specifically alleged to cause fatal firearm injury. It is submitted that the petitioner found talking during the time of occurrence with other co-accused persons as per call details report. It is submitted that in view of



aforesaid, this is not a fit case for anticipatory bail and moreover investigation of this case *qua* petitioner is still open.

7. In view of aforesaid factual submissions and by taking note of incriminating materials, as submitted aforesaid *qua* involvement of petitioner with present crime in question, coupled with the fact that investigation of this case is still open, accordingly, the prayer for anticipatory bail of petitioner stands rejected.

(Chandra Shekhar Jha, J.)

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