

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.59972 of 2022

Arising Out of PS. Case No.-146 Year-2021 Thana- JOGAPATTI District- West Champaran

MANOJ SAH Son of Late Saryug Sah R/V- Sehurwa, P.S- Yogapatti, Dist-
West Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sanjeev Kumar Shrivastava, Advocate

For the Opposite Party/s : Mr.Rajiv Nayan, APP

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 16-01-2023 Heard the learned counsel for the petitioner
and the learned APP for the State.

The petitioner seeks regular bail in connection with Jogapatti PS case no. 146 of 2021 instituted for the offences punishable under Sections 307 and other allied sections of the Indian Penal Code.

The allegation is regarding the police having reached the house of one co-accused person namely Prakash Thakur, from where one country made pistol, a live cartridge and two mobile phones were recovered. Thereafter, the said Prakash Thakur, upon interrogation, had disclosed that the petitioner is engaged in commission of crime, whereupon the police had reached the house of the petitioner and upon



search, three country made pistols, 13 live cartridges, knife, one tab of Samsung company and three android mobile phones were recovered. It is also alleged that when the petitioner was being taken to the police station, the other co-accused persons had arrived there and got the petitioner released from the custody of the police.

The learned counsel for the petitioner submits that the petitioner is innocent, has been falsely implicated in the present case and he is languishing in custody since 07.02.2022. The learned counsel for the petitioner has further submitted that the petitioner is accused in two other cases but he is on bail in the said two cases. It is also submitted that the persons who had got the petitioner freed from the clutches of the police, have already been granted bail by co-ordinate Benches of this Court.

Per contra, the learned APP for the State has vehemently opposed the prayer for bail.

Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the parties and taking into account the materials available on record, though I am not inclined to grant bail to the petitioner, at the moment, nonetheless, I direct for release of the petitioner on bail immediately upon framing of charge by the



learned trial court, subject to such conditions, as may be deemed fit and appropriate to be imposed by the learned court of Chief Judicial Magistrate, West Champaran, Bettiah in connection with Jogapatti PS case no. 146 of 2021.

The present petition stands disposed off with the aforesaid observations and directions.

(Mohit Kumar Shah, J)

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