

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.3358 of 2023

Arising Out of PS. Case No.-838 Year-2019 Thana- MOTIHARI TOWN District- East
Champaran

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GOVINDA SAHANI Son of Jagdish Sahani Resident of village - Bhataha,
Kharjama, P.S.- Muffasil Motihari, District - East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Pravin Kumar, Advocate

For the Opposite Party/s : Mr.Narendra Kumar Singh, App

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CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

3 07-04-2023 Heard learned counsel for the petitioner and the

learned APP for the State.

Petitioner seeks regular bail in connection with Town
P.S. Case No. 838 of 2019 dated 02.12.2019 registered for the
offence(s) punishable under Section(s) 120(B)/34 of the Indian
Penal Code and Sections 25(1-B)a, 26 and 35 of the Arms Act.

As per the prosecution, police personnel on secret
information apprehended this petitioner in injured condition
from the alleged place. Further it is alleged that from the
possession of this petitioner, two pistols, some magazines and
cartridges were recovered and he is alleged to have come to the
alleged place with the intention to kill one Tunna Singh.

The main submissions advanced by the learned



counsel for the petitioner are that at the time of the alleged occurrence the petitioner was himself in injured condition in the Motihari court premises, as per the prosecution he came with a pistol at the court premises with an intention to kill another accused Tunna Singh and as per the planing the petitioner was to hand over the weapon to Vicky Sahani and as per the disclosure made by this petitioner, planning was made on the direction of co-accused Sanjit Chaudhary @ Sanjeet Chaudhary @ Raja who has been granted bail vide Annexure 2. Further submission is that against the petitioner there is no any specific allegation and the alleged pistols were recovered from the court premises and not from the conscious possession of the petitioner and moreover the petitioner was present at the place of occurrence on the direction of the co-accused Sanjit Chaudhary @ Sanjeet Chaudhary @ Raja and accordingly his case stands on better footing from the said co-accused Sanjit Chaudhary @ Sanjeet Chaudhary @ Raja.

Learned APP appearing for the State has opposed the bail prayer.

Heard both the sides and perused the FIR. As per the allegation the petitioner was found in injured condition in the Motihari Court premises and then he was caught hold by the



police personnel and thereafter he disclosed about the place where he had thrown two pistols and then the said weapons were recovered from the court premises and in view of the said recovery as well as petitioner's long criminal history, which shows that he is accused in eight cases in addition to the present matter, his matter does not appear to be similar to the co-accused Sanjit Chaudhary @ Sanjeet Chaudhary @ Raja who is on bail hence, in my opinion, it is not a fit case for bail to the petitioner. Accordingly, his bail prayer stands rejected.

The trial Court is directed to expedite the trial of the petitioner, if the same has started. Petitioner may renew his bail prayer after six months from the date of this order, if any significant progress is not made in his trial by the trial court.

(Shailendra Singh, J)

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