

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.81189 of 2023

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

Govinda Sahani, S/o Jagdish Sahani @ Jagadish Sahani, R/o village- Bhataha
Kharjama, P.S.- Muffasil Motihari, District- East Champara

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ajay Kumar Singh, Adv.

For the Opposite Party/s : Mr. Nawal Kishore Prasad, APP

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

2 15-12-2023 1. Heard learned counsel for the petitioner and the
learned APP for the State.

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

3. This is second attempt of the petitioner for the
relief of regular bail after his earlier bail prayer was rejected by
this Bench vide order dated 07.04.2023 passed in Cr. Misc. No.
3358/2023 preferred by this petitioner.

4. It is submitted by learned counsel for the
petitioner that earlier prayer for the relief of regular bail of the



petitioner was rejected by this Court with giving him a liberty to renew his bail prayer after six months from the date of rejection order, if any significant progress is not made in his trial and accordingly, in the light of the said liberty, he has come again before this Court for the relief of regular bail as till date, no significant progress has been made in his trial and not a single prosecution witness has been examined and against the petitioner, the charges have been framed on 23.03.2021 and he has been languishing in jail since 05.12.2019 and the alleged offences are triable by the court of First Class Magistrate.

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

6. Considering the above submissions and mainly taking into account the petitioner's custody period as well as prosecution's lingering attitude in producing and examining its witnesses as till date no prosecution witness has been examined in the petitioner's trial despite the charges having been framed upon him on 23.03.2021 as stated-above, in my opinion in the present circumstances, the petitioner now deserves to a lenient approach of this Court. Accordingly, let the petitioner named-above be enlarged on bail on furnishing bail bond of Rs.10,000/- (Ten Thousand) with two sureties of the like amount each to the



satisfaction of the Court concerned in connection with
Motihari Town P.S. Case No. 838 of 2019.

(Shailendra Singh, J)

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