

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19671 of 2024

Arising Out of PS. Case No.-76 Year-2021 Thana- VIDYAPATINAGAR District- Samastipur

Gopal Garai @ Gopal Garwai Son of Sanjay Garai @ Sanjay Garony R/o
Village - Sherpur, P.S.- Vidyapatinagar, District- Samastipur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Mahendra Pratap

For the Opposite Party/s : Mr.Anita Kumari

**CORAM: HONOURABLE MR. JUSTICE RAMESH CHAND
MALVIYA**

ORAL ORDER

2 22-03-2024 Heard learned counsel for the petitioner and

learned APP for the State.

2. The petitioner is in custody in connection with Sessions Trial No. 56 of 2022 arising out of Vidyapatinagar P.S Case No. 76 of 2021 registered for the offences punishable under Sections 395, 397 of the I.P.C in which subsequently charge has been framed under Sections 395, 397, 412 of the Indian Penal Code against the petitiioer.

3. As per prosecution case, Five unknown miscreants have snatched Rs. 2000/- cash and a golden chain from the informant on gun point and have



assaulted the informant by the butt of the pistol.

4. Learned counsel for the petitioner submits that petitioner has falsely been implicated in this case. It is further submitted that petitioner is not named in the FIR his name surfaced from the confessional statement of the co-accused. It is next submitted that no recovery has been made from the possession of the petitioner. It is also submitted that petitioner is in judicial custody since 18.10.2021.

5. However, learned APP for the State oppose the prayer for regular bail of the petitioner.

6. On perusal of the FIR, period of custody, impugned order it appears that investigation has already been concluded and chargesheet has been submitted before the learned Magistrate against the accused and also considering the aforesaid facts and circumstances of the case and submissions made on behalf of the petitioner, let the above named petitioner be released on bail *after framing of the charge* on furnishing bail bonds of Rs. 10,000/- (Ten thousand) with two sureties



of the like amount each to the satisfaction of learned Sessions Trial No. 56 of 2022 arising out of Vidyapatinagar P.S Case No. 76 of 2021.

7. The trial court is directed to conclude the proceeding of framing of charge according to law within a period of 15 days from the date of receipt of a copy of this order. However, it is made clear that *if the charge-sheet has not been submitted* then the petitioner shall be released on bail on the above conditions and he shall be present physically on each and every date before the trial court till conclusion of the proceeding of framing of charge. Further, Petitioner shall co-operate in the trial and shall be present on each and every date fixed by the trial court till conclusion of the trial.

(Ramesh Chand Malviya, J)

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