

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21018 of 2024**

Arising Out of PS. Case No.-127 Year-2023 Thana- HATHAURI District- Muzaffarpur

GOVIND SHAHI @ GOBIND SHAHI SON OF LATE HARISHCHANDRA
SHAHI R/O-SAKIN RAMPUR UTTAR P.S.-HATHOURI DISTT.-
MUZAFFARPUR BIHAR

... .. Petitioner/s

Versus

The State of Bihar BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Bindeshwar Sah

For the Opposite Party/s : Mr.Jagdhari Prasad

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

ORAL ORDER

3 19-04-2024 Heard learned counsel for the petitioner and
learned APP for the State.

2. The petitioner is in custody in connection with Hathauri P.S Case No. 127 of 2023 (G.R. No. 2753 of 2023) registered for the offences punishable under Sections 399, 402 of the Indian Penal Code read with Sections 25(1-b)A /35/26 of the Arms Act.

3. As per prosecution case, it is a case of recovery of some arms and ammunition from the accused and co-accused persons.

4. Learned counsel for the petitioner submits



that petitioner has falsely been implicated in this case. It is next submitted nothing recovered from the petitioner. Petitioner is not named in FIR his name surfaced from the confessional statement of the co-accused. It is next submitted that co-accused has granted bail vide order dated 20.03.2024 in Cr. Misc. No. 2367 of 2024. It is further submitted that on perusal of the FIR there is no independent witness of the seizure list. It is also submitted that petitioner is in judicial custody since 29.05.2023.

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

6. On perusal of the FIR, impugned order and period of custody 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 21st ADJ, Muzaffarpur in



connection with Hathauri P.S Case No. 127 of 2023
(G.R. No. 2753 of 2023).

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.

(Ramesh Chand Malviya, J)

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