

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30797 of 2024

Arising Out of PS. Case No.-826 Year-2023 Thana- SITAMARHI District- Sitamarhi

Nejamuddin Mia @ Ganga, Male, Aged about 32 years, Son Of Hlim Miyan,
Resident Of Village - Mahuai, Ward No.3, Police Station - Ghorasahan,
District - East Champaran

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Madhubala Verma, Advocate

For the Opposite Party/s : Mr.Dr. Ajeet Kumar, APP

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

ORAL ORDER

2 25-04-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in connection with
Sitamarhi P.S. Case No. 826 of 2023 instituted for the offences
punishable under Sections 399, 402 and 414 of the Indian Penal
Code and Sections 25(1-b)a, 26/35 of the Arms Act and Section
8/20(b)(ii)(c)/22 of the N.D.P.S. Act.

3. As per F.I.R., it is a case of recovery of one loaded
country made pistol, two live cartridges, one mobile with SIM
and 500 grams charas like substance from the possession of the
petitioner.

4. Learned counsel for the petitioner submits that
petitioner is innocent and has committed no offence. He has



falsely been implicated in this case. No any incriminating article has been recovered from his conscious possession, rather recovery has been planted with ulterior motive. A statement has been made in para 3 of the petition that petitioner has no criminal antecedent. There is recovery of 500 grams charas from the possession of petitioner which is more than small quantity and below to the commercial quantity. It is further submitted that co-accused namely, Suresh Sah has already been granted bail by this Court vide order dated 10.04.2024 passed in Cr. Misc. No. 25470 of 2024 and recovery from the co-accused Suresh Sah is same as the present petitioner. The other co-accused persons have also been granted bail by this Court vide order dated 26.02.2024 and 27.02.2024 passed in Cr. Misc. no. 11483 of 2024 and Cr. Misc. no. 12494 of 2024 respectively. Moreover, petitioner is languishing in judicial custody since 03.11.2023.

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

6. Considering the facts and circumstances of the case and submissions made on behalf of the petitioner as well as period of custody of the petitioner, let the above named petitioner be released on bail *after framing of charge* on



furnishing bail bonds of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Sessions Judge-cum-Special Judge, Sitamarhi in connection with Sitamarhi P.S. Case No. 826 of 2023.

7. The trial Court is directed to conclude the proceeding of framing of charge according to law within a period of 15 (fifteen) 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 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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