

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.57987 of 2023

Arising Out of PS. Case No.-27 Year-2021 Thana- GAMAHARIYA District- Madhepura

Panchanand Das @ Panchu @ Panchu Das @ Panchanan Das Son Of Ganeshi Das @ Ganesh Das Resident Of Village-Laxmipur Bhagwati P.S. Sri Nagar District-Madhepura.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Amarnath Jha, Adv.

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

CORAM: HONOURABLE MR. JUSTICE RAMESH CHAND MALVIYA

ORAL ORDER

5 22-02-2024 Heard learned counsel for the petitioner and learned APP for the State.

2. The petitioner is in custody in connection with Gamhariay P.S Case No. 27 of 2021 registered for the offences punishable under Sections 399, 402, of the I.P.C. and U/S 25(1-b) 26/35 of the Arms Act.

3. As per prosecution case, total 19 live cartridges, one country made *katta* loaded with one live cartridge and 45 thousand rupees cash were recovered from the possession of the petitioner.

4. Learned counsel for the petitioner submits



that petitioner has falsely been implicated in this case. He further submits that on perusal of the seizure list there is no independent witness. Co-accused Madhu Yadav, Ratnesh Kumar, Kanhaiya Kumar are granted bail by the Co-ordinate Bench of the Court *vide* order dated 21.09.2021, 21.01.2022, 18.01.2023 passed in Cr. Misc. No. 37496 of 2021, 44375 of 2021, 75261 of 2022 respectively. It is also submitted that petitioner is in judicial custody since 18.02.2021.

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 Additional Sessions Judge VIII, Madhepura in connection with Gamhariay P.S



Case No. 27 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.

(Ramesh Chand Malviya, J)

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