

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.37391 of 2016

Arising Out of PS.Case No. -338 Year- 2014 Thana -SAHEBPUR KAMAL District- BEGUSARAI

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Munna Paswan Son of Nageshwar Paswan, Resident of Village- Hussain Chak, Police Station- Ballia, District- Begusarai.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Md. Harun Quareshi

For the Opposite Party/s : Mr. Sir Pramod Kumar Pandey

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL ORDER

03/ 26-07-2017

This matter has been listed for hearing out of turn on the basis of mentioning slip filed by learned counsel for the petitioner, though, it is listed in the daily cause list dated 26.07.2017.

The petitioner has renewed the prayer for bail in a case registered for the offences punishable under Sections 395, 397 and 412 of the Indian Penal Code. The petitioner is languishing in custody since 01.12.2014.

The prosecution case is that a truck loaded with maize was robbed by overpowering the driver and cleaner. Driver's thirty thousand rupees, mobile, driving licence and the loaded truck were robbed and the driver was confined in a room. Name of the petitioner sprang up in the confession of co-accused, Irshad Ujama alias Anna. Subsequently, the robbed truck was



recovered from the possession of the petitioner.

It is submitted by learned counsel for the petitioner that the petitioner is the driver of co-accused, Ishrad Ujama alias Anna, who handed over the truck in question to him for driving. A statement has been made in paragraph 3 of the petition that the petitioner has no criminal antecedent. It is further submitted by learned counsel for the petitioner by filing supplementary affidavit to the effect that till date the case has not been committed to the Court of Sessions. The certified copy of the order sheet of the learned court below till 30.03.2017 has been brought on record in support of the said contention of the counsel for the petitioner.

Earlier the prayer for bail of the petitioner was rejected, vide order dated 13.07.2015, passed in Cr. Misc. No. 23508 of 2015, when learned court below was directed to expedite the trial.

Considering the fact that the petitioner is in custody since 01.12.2014 having no criminal antecedent and there is no likelihood of the trial being concluded in near future, let the above named petitioner, be released on bail on furnishing bail bonds of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate,



Ist Class, Begusarai in connection with Sahebpur Kamal P.S. Case
No. 338 of 2014.

The learned trial court will be at liberty to
cancel the bail bonds of the petitioner, if he defaults for two
consecutive occasions or gets substantially involved in some
serious nature of offence.

Let the order be transmitted to learned
Sessions Judge, Begusarai to see the casual manner in the sessions
triable cases the commitments are being delayed.

(Dinesh Kumar Singh, J)

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