

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4140 of 2022

Arising Out of PS. Case No.-14 Year-2019 Thana- ANGARH District- Purnia

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Md. Sohail @ Md. Sohail @ Sohil @ Sohil Alam S/o Late Mohasin @ Mosin
R/o village- Kathamatha, P.S.- Kochadhaman, District- Kishanganj

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Bijendra Kumar Singh, Adv.

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

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN

ORAL ORDER

3 11-10-2022 Let the defect(s), if any, be removed within two
weeks from today.

Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner seeks regular bail in connection with
Angarh P.S. Case No. 14 of 2019 subsequently S.T. No. 85 of
2021/CIS No. 85 of 2021 lodged under Sections 302, 120(B)/34
of the I.P.C.

As per the prosecution case, 4 persons entered in the
house of the informant at the night of 29.06.2019 and broken the
door of the house. Informant has identified 2 accused persons
and has not identified other 2 accused persons. It has been
specifically alleged that accused namely Abu Hayat and Abu
Kalam fired on the informant and her husband, in result, the

informant suffered injury in her leg, whereas, her husband sustained injury in his chest, which resulted into his death. Name of the petitioner is not given in the F.I.R.

Learned counsel for the petitioner submits that petitioner is not named in the F.I.R. He also submits that there is no cogent material came during investigation against him and same as confessional statement of the co-accused and petitioner's own confessional statement. He further submits that the series of other accused persons, who were not named in the F.I.R., were granted bail by the Co-ordinate Bench of this Court which the petitioner Annexed as Annexure 2 series in the present petition. Learned counsel further submits that petitioner is in custody since 07.10.2020, charge sheet has already been filed in this case. He further submits that there are total 14 criminal cases relating to the present petitioner, which are mentioned in Para-3, including the present one. He submits that in some cases, petitioner has been acquitted and in some cases, he is on bail. He further submits that petitioner is ready to fulfill all the conditions whatsoever shall be imposed upon him.

Learned counsel for the State opposes the prayer for bail and submits that this petition is basically a habitual offender.

In the present facts and circumstances of this case and the submissions made above, let the petitioner above named, be granted bail on furnishing bail bonds of Rs.30,000/- (Rupees Thirty thousand) with two sureties of the like amount each to the satisfaction of learned 3rd Additional Sessions Judge, Purnea in connection with Angarh P.S. Case No. 14 of 2019 subsequently S.T. No. 85 of 2021/CIS No. 85 of 2021, subject to the conditions as laid down under Section 437(3) of Cr.P.C. with other following conditions:

A. The petitioner shall support in trial and shall appear physically before the lower court on each and every date fixed, in case of non-appearance for two consecutive dates without sufficient cause, shall be resulted into cancellation of his bail bond.

B. One of the bailors shall be close relative who shall file affidavit before the court about his relationship with the petitioner.

C. The petitioner shall file an affidavit at the time of furnishing of bail bond that he shall not involve in such criminal activity during the continuance of present bail bond, violation of this condition shall be resulted into cancellation of his present bail bond.

Speedy trial is the constitutional vision of justice. Admittedly, there are in total 10 criminal cases pending against the present petitioner, out of 10 cases, 7 cases belong to district Kishanganj and 3 cases belong to Purnea district (including the present one) as per the report of S.H.O. Angarh P.S., Purnea. The details of those cases are as follows:

District and Sessions Judge, Kishanganj district	District and Sessions Judge, Purnea district
i. Kochadhaman P.S. Case No. 42 of 2019	i. Amour P.S. Case No. 169 of 2011
ii. Kochadhaman P.S. Case No. 76 of 2019	ii. Angarh P.S. Case No. 04 of 2012
iii. Kochadhaman P.S. Case No. 150 of 2019	iii. Angarh P.S. Case No. 14 of 2020
iv. Kochadhaman P.S. Case No. 184 of 2019	
v. Kochadhaman P.S. Case No. 198 of 2020	
vi. Kochadhaman P.S. Case No. 32 of 2019	
vii. Pothiya (Paharkola) P.S. Case No. 182 of 2008	

Let the District and Sessions Judge, Purnea/Kishanganj is directed to do the needful so that all the magisterial triable cases or sessions triable cases prior to commitment shall run before one Magistrate with one date and all sessions triable cases after commitment, shall run before one Sessions Court with one date.

Let the copy of this order is communicated to both the District and Sessions Judge, Purnea and Kishanganj for perusal and necessary compliance.

With this observation, the bail application stands allowed.

(Dr. Anshuman, J.)

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