

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.7927 of 2022

Arising Out of PS. Case No.-298 Year-2021 Thana- SIWAN CITY District- Siwan

Umesh @ Tikar @ Umesh Sah S/O Late Raj Banshi Sah R/o village- Chakiya
Road, P.S.- Mahdewa (O.P.), District- Siwan

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Anil Chandra, Adv.

For the Opposite Party/s : Mr. Rana Randhir Singh, Adv.

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

3 10-10-2022 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
Siwan (Nagar) P.S. Case No. 298 of 2021 lodged under Sections
302, 201, 34 of the I.P.C.

As per the prosecution case, the F.I.R. has been
lodged against unknown accused persons. The prosecution case
is that a dead body was recovered from the septic tank.

Learned counsel for the petitioner submits that
petitioner is innocent and has committed no offence. He submits
that during investigation, the name of accused persons has come
by the secret information of spy firstly in this case. He submits

that it has come in the investigation that the deceased was a woman of dubious character having physical relation with many persons of the locality. He submits that the only material against him is the confessional statement of the co-accused. He submits that he is in custody since 15.09.2021, charge sheet has already been filed in this case. He further submits that there are in total 6 criminal cases pending against him but all are of excise matters.

Learned counsel for the State opposes the prayer for bail.

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 Chief Judicial Magistrate, Siwan, District - Siwan in connection with Siwan Nagar P.S. Case No. 298 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 7 criminal cases (including the present one) pending against the petitioner. Except the present one, all other cases relating to excise matter lie within the jurisdiction of District and Session Judge, Siwan which are as follows:

- i. Mahdewa (O.P.) P.S. Case No. 210 of 2017 lodged under Sections 272, 273 of I.P.C. read with Section 30(a)/41 of Bihar Prohibition and Excise Act.
- ii. Mahdewa (O.P.) P.S. Case No. 272 of 2017 lodged under Sections 272, 273, 308 of I.P.C. read with Sections 30(a)/41 Bihar Prohibition and Excise Act.
- iii. Mahdewa (O.P.) P.S. Case No. 548 of 2017 lodged under Sections 272, 273 of I.P.C. read with Section 30(a)/41 of Bihar Prohibition and Excise Act.

iv. Mahdewa (O.P.) P.S. Case no. 686 of 2018 lodged under Sections 272, 273 of I.P.C. read with Sections 30(a)/41 of Bihar Prohibition and Excise Act.

v. Mahdewa (O.P.) P.S. Case No. 132 of 2019 lodged under Sections 272, 273 of I.P.C. read with Sections 30(a)/41 of Bihar Prohibition and Excise Act.

vi. Mahdewa (O.P.) P.S. Case No. 131 of 2021 lodged under Sections 272, 273 of I.P.C. read with Sections 30(a)/41 of Bihar Prohibition and Excise Act.

Let the District and Session Judge Siwan is directed to do the needful so that all the cases mentioned above shall run before one Special Court with same date.

Let the copy of this order is communicated to the District and Session Judge Siwan for information and necessary compliance.

With this observation, the bail application stands allowed.

(Dr. Anshuman, J.)

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