

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.8873 of 2022

Arising Out of PS. Case No.-256 Year-2017 Thana- ALOULI District- Khagaria

Barun Yadav @ Varun Yadav Son Of Kuldeep Yadav, Resident Of Village-
Alauli, P.S.- Alauli, District- Khagaria

... .. Petitioner/s

Versus

1. The State of Bihar
2. The District Manager, Bihar State Food Corporation, Khagaria Bihar
3. The District Co-Operative Officer, Khagaria Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms. Rashmi Jha, Advocate
For the Opposite Party/s : Mr. Parmeshwar Mehta, APP.

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

6 05-09-2022 Let the defect, 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
Alouli P. S. Case No. 256 of 2017 lodged under Sections 406
and 420 of the Indian Penal Code.

Learned counsel for the petitioner submits that
petitioner is in custody since 20.08.2020 in this case. By virtue
of supplementary affidavit, learned counsel for the petitioner
further submits that total amount Rs.16,20,135/- was alleged to
be defalcated. The petitioner has deposited Rs.6,55,000/- on

06.08.2017 in the Co-operative Bank Account. By virtue of the supplementary affidavit, he undertakes to deposit the remaining amount Rs. 9,65,135/- in equal installment within a period of one year from the date of release from the custody. He further submits that charge sheet has already been filed in this case. On the point of criminal antecedent, learned counsel for the petitioner submits that in two cases he is on bail and in rest cases he has approached for seeking bail. Learned counsel for the petitioner further submits that he is also ready to fulfill all the conditions whatsoever shall be imposed upon him by the Court.

Learned counsel for the State submits that petitioner is in custody since last two years. In the light of supplementary affidavit, petitioner is ready to pay all the alleged defalcated amount. He only submits that he may be granted interim bail and his bail shall be confirmed only after full and final payment of the entire defalcated amount.

In the present facts and circumstances of the case and the submissions made above, let the petitioner above named, be granted interim 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 Judicial Magistrate- Ist Class,

Khagaria in connection with Alouli P.S. Case No. 256 of 2017, 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 resulted into cancellation of his bail bond.

B. One of the bailor shall be close relative who shall file affidavit before the court about his relation 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.

Petitioner shall make payment of the entire dues as mentioned in paragraph-4 of the supplementary affidavit, which is as follows:

“That so far as the present amount Rs.16,20,135/- is concerned, the petitioner has deposited Rs.6,55,000/- on 06.08.2017 in the Co-

operative Bank account and he undertakes to deposit the remaining amount which is Rs.9,65,135/- in equal amount/installment within a period of one year from the date of release from the custody.”

The bail of the petitioner shall be confirmed after completion of one year with condition precedent that after confirmation that he has fully complied his statement made herein above.

Speedy trial is the constitutional vision of justice. From the records of this case, it transpires that there are four cases pending against the petitioner within the territorial jurisdiction of District & Sessions Judge, Khagaria which are as follows:

- (I) Alauli P.S. Case No. 313 of 2017,
- (ii) Alauli P.S. Case No. 210 of 2018,
- (iii) Alauli P.S. Case No. 385 of 2018,
- (iv) Alauli P.S. Case No. 256 of 2017

Let the District & Sessions Judge, Khagaria is directed to do the needful, so that all cases pending against the petitioner shall run before one Magistrate with same date before commitment and if case(s) is sessions triable before same

Sessions Court after commitment, as the case may be.

Let one copy of this order directed to be placed before
the District and Sessions Judge, Khagaria for perusal and
necessary compliance.

(Dr. Anshuman, J.)

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