

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.11936 of 2022

Arising Out of PS. Case No.-61 Year-2019 Thana- Gautambudh Nagar District- Siwan

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Asgar Ali @ Mastan Baba Son of Late Mohammad Ali Resident of Village -
Rauja Gour, P.s.- G.B.Nagar, Dist.- Siwan.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ajay Kumar Tiwary, Adv.

For the Opposite Party/s : Mr. Dr. Indihar Kumari, APP.

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN

ORAL ORDER

4 24-08-2022 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
G.B. Nagar P.S. Case No. 61 of 2019 lodged under Sections
341, 342, 467, 468, 471, 420, 353, 120(B) of the I.P.C. read with
Sections 25 (1-b)a, 26, 35 of the Arms Act.

As per the prosecution case, the recovery of
Rs.66,67,965/- were made from the house of the petitioner. In
addition to that one 9 MM loaded pistol, 3 live cartridges, one
air gun, one sword, one Bhujali, 7 knife, leather whip, one
Laptop of Dell company, D.B.R. Box of CCTV footage, note
counting machine, one black wired mic, etc. were recovered as

well as foreign currency of Oman and U.A.E., false receipt of health care center, different ornaments of gold and silver, etc. were recovered from the house of the petitioner.

Learned counsel for the petitioner submits that petitioner is innocent and has committed no offence. He submits that the alleged money in cash is basically collected for construction of Mosque. He also submits that the said money does not belongs to the petitioner. He submits that petitioner is in custody since 03.01.2022 and charge sheet has already been filed in this case. On the point of his criminal antecedent, learned counsel for the petitioner submits that petitioner is accused in four other criminal cases and in all cases he is on bail.

Learned counsel for the State opposes the prayer for bail and submits that as per the Government's norm, such a huge money in cash cannot be kept. It has been further submitted that 9 MM pistol with live cartridges along with other in discriminating materials were recovered as well as there is four criminal antecedent of the petitioner. Learned counsel further submits that it is not a desi pistol rather a pistol which is prepared in West Germany. The recovery of foreign currency also shows his link with the foreign agency. The allegation of

treatment of people using jhar-fook and charging money for the same is also upon the petitioner which is an illegal activities.

In the present facts and circumstances of this case and the submissions made above, and considering the period of custody, I am not inclined to grant bail to the petitioner. The petitioner may renew his prayer for bail after lapse of one year from today. The learned Court is directed to expedite the trial in this case. Speedy trial is the constitutional vision of justice. Admittedly, there are in total five cases pending against the present accused person including the present one which are as follows:

- “i. G.B. Nagar P.S. Case No. 33 of 2019 under Sections 302, 201/34 of the I.P.C. read with Section 27 of the Arms Act.
- ii. G.B. Nagar P.S. Case No. 43 of 2017 under Sections 147, 148, 149, 323, 324, 307 of the I.P.C.
- iii. G.B. Nagar P.S. Case No. 60 of 2019.
- iv. Barharia P.S. Case No. 442 of 2017 under Sections 147, 149, 341, 353, 506 of the I.P.C.
- v. G.B. Nagar P.S. Case No. 61 of 2019 (present case).”

District and Session Judge, Siwan is directed to place

all cases before one Magistrate/Session Judge with same date.

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

(Dr. Anshuman, J)

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