

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12276 of 2022

Arising Out of PS. Case No.-284 Year-2019 Thana- MAKHDUMPUR District- Jehanabad

Sonu Kumar Son of Ramanand Saw Resident of Village- Tehta Mela Road,
P.S.- Makhdumpur (Tehta O.P.), District- Jehanabad.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ashok Kumar, Adv.

For the Opposite Party/s : Mr. Nityanand, APP.

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

5 31-08-2022 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
Makhdumpur (Tehta O.P.) P.S. Case No. 284 of 2019 lodged
under Section 392 of the Indian Penal Code.

As per the allegation made in the F.I.R., informant
was returning from the college then near Tehta Bypass, four
persons riding on two motorcycles had stopped the informant
and committed robbery and had taken mobile & motorcycle of
the informant, on the basis of which criminal case has been filed
against four unknown persons.

Learned counsel for the petitioner submits that

petitioner is not named in the F.I.R. but his name has figured in this case on the confessional statement of co-accused Sanjeev Kumar @ Banda. He further submits that nothing was recovered from the possession of the petitioner nor he was put on TIP. He further submits that petitioner is in custody since 13.12.2021, charge-sheet has been filed in this case. On the point of criminal antecedents, learned counsel for the petitioner submits that there are in total 6 criminal cases (by virtue of supplementary affidavit dated 16.08.2022) pending against him. He also submits that petitioner is ready to fulfill all the conditions which shall be imposed upon him by the Court. He further submits that the co-accused who has disclosed the name of petitioner namely, Sanjeev Kumar @ Banda has already been granted bail by the Co-ordinate Bench of this Court vide order dated 12.10.2020 passed in Cr. Misc. No. 8800 of 2020 and on the basis of parity he seeks bail.

Learned counsel for the State opposes the prayer for bail and submits that the petitioner is appears to be the habitual offender and there are in total 7 criminal cases (including present one) almost all relating to robbery and theft are pending against him, therefore, he may not be granted bail.

In the present facts and circumstances of this case and

the submissions made above, I am not inclined to grant bail to the petitioner at this stage, but trial Court is directed to release him on bail only after framing of charge in this case on its own condition so that, he shall appear in the trial without creating any hindrance.

Speedy trial is the constitutional vision of Justice, admittedly, there are in 7 seven cases (including present one) pending against the petitioner which are as follows: (1) Jehanabad Rail P.S. Case No.45 of 2019 (2) Jehanabad Rail P.S. Case No. 66 of 2019 (3) Makhdumpur (Tehta O.P.) P.S. Case No. 461 of 2020 (4) Makhdumpur (O.P. Tehta) P.S. Case No. 480 of 2020 (5) Makhdumpur (Tehta O.P.) P.S. Case No. 30 of 2021 (6) Makhdumpur (O.P. Tehta) P.S. Case No. 105 of 2021 (7) Makhdumpur (Tehta O.P.) P.S. Case No. 284 of 2019, all cases belongs to Jehanabad Sessions Division.

District & Sessions Judge, Jehanabad is directed to do the needful so that all the criminal cases pending against the present petitioner shall run before one Magistrate with one date prior to commitment and after commitment in one Session Court with one date.

Office is directed to communicate one copy of this order to the District & Sessions Judge, Jehanabad for perusal

and necessary compliance.

With this observation, the bail application stands
rejected.

(Dr. Anshuman, J.)

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