

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18551 of 2022

Arising Out of PS. Case No.-327 Year-2020 Thana- MAHUA District- Vaishali

Vikash Kumar Son Of Shatrudhan Singh, R/O Village- Sherpur, P.S.- Jandaha,
District- Vaishali

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Bijay Bhushan Prasad, Advocate

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

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

4 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
Mahua P. S. Case No. 327 of 2020 lodged under Sections 392
and 412 of the Indian Penal Code.

As per prosecution, the allegation of robbery is
against two unknown persons, when the informant was
returning to his house after closing his shop then two persons
have committed robbery and taken rupees 70-80 thousand,
Aadhar Card and Pan Card of the informant.

Learned counsel for the petitioner submits that
petitioner is in custody since 17.12.2020 and charge sheet has

already been filed in this case. On the point of his criminal antecedent, learned counsel for the petitioner submits that there are in total 09 cases pending against the present petitioner. He further submits that petitioner is ready to fulfill all the conditions whatsoever shall be imposed upon him by the Court. He further submits that petitioner was not put on T.I.P. but allegation of recovery of Rs.15,000/-and Aadhar Card of the informant is there.

Learned counsel for the State opposes the prayer for bail and submits that petitioner has remanded in the present case on the confessional statement of co-accused. The recovery of Aadhar Card of the informant has taken place from the almirah of the petitioner. He further submits that Rs.15,000/- has also been recovered from the said almirah. Case diary and progress report of the case was called for in this case and it was informed that charge has already been framed.

In the present facts and circumstances of the 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, Vaishali at Hajipur in connection with Mahua P.S. Case No. 327 of 2020,

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.

Speedy trial is the Constitutional vision of justice. From paragraph-3 of the petition. it transpires that there are in total 10 cases pending against the present petitioner. Out of 10 cases including present one, one case is relating to NDPS, serial no.5 and 6 are Sessions triable and rest all cases are Magistrate triable. The details are as follows:

(I) Mahua P.S. Case No. 239 of 2020,

- (ii) Mahua P.S. Case No.278 of 2020,
- (iii) Mahua P.S. Case No.248 of 2020,
- (iv) Mahua P.S. Case No.276 of 2019,
- (v) Mahua P.S. Case No.26 of 2020,
- (vi) Mahua P.S. Case No.295 of 2020,
- (vii) Sahdai P.S. Case No.199 of 2019,
- (viii) Sahdai P.S. Case No.199 of 2020,
- (ix) Sadar P.S. Case No. 435 of 2020,
- (x) Mahua P.S. Case No. 327 of 2020

Since all the above mentioned cases belongs to the territorial division of District & Sessions Judge, Hajipur. Therefore, it has been directed that all the magisterial triable and sessions triable cases (prior to commitment) shall run before one Magistrate with same date, sessions triable case shall be transferred to one Sessions Court with one date after commitment and the NDPS shall run before the Special Court.

Let a copy of this order is directed to send to the District and Sessions Judge, Hajipur for perusal and necessary compliance.

(Dr. Anshuman, J.)

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