

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18489 of 2022

Arising Out of PS. Case No.-118 Year-2019 Thana- KALYANPUR District- Samastipur

Sonu Mahto @ Sonu Kumar S/o Radheshyam Mahto, R/o Village-
Bhagirathpur, P.S.- Kalyanpur, District- Samastipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ajay Kumar Singh, Advocate

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

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN

ORAL ORDER

4 02-09-2022 Let the defects, as pointed out by the Office, be
removed within a period of two weeks from today.

Heard learned counsel for the petitioner and learned
APP for the state.

Petitioner seeks regular bail in connection with
Kalyanpur P.S. Case No. 118 of 2019 lodged under Sections
341, 323, 324, 307, 379 and 504/34 of the Indian Penal Code.

As per the prosecution case, there is specific
allegation against the petitioner Sonu Mahto to assault on the
head of the informant by iron rod, in result bleeding started and
the informant got faint. It has been also alleged that Sonu Mahto
attacked on the head of the informant with a view to kill him by
sharp cutting weapon.

Learned counsel for the petitioner submits that

petitioner is innocent and has committed no offence. He further submits that on the previous occasion, the injury report of informant was called for which was attached with the record, by which it become crystal clear that the injuries are caused by hard and blunt substance and nature of injury is simple. He further submits that the petitioner is in custody since 26.07.2021 i.e. more than one year and charge sheet has already been filed in this case. On the point of his criminal antecedent, learned counsel further submits that there are five cases pending against the present petitioner and in all five cases, he is on bail. He further submits that petitioner is ready to fulfill all the conditions whatsoever shall be imposed upon him.

Learned counsel for the State opposes the prayer for bail.

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, Samastipur in connection with Kalyanpur P.S. Case No. 118 of 2019, 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. There are six cases pending against the present petitioner, all belongs to Samastipur District and Sessions Judge. Details are as follows:

- (I) Samastipur Muffasil P.S. Case No.116 of 2019,
- (ii) Kalyanpur P.S. Case No. 303 of 2019,
- (iii) Kalyanpur P.S. Case No. 77 of 2017,
- (iv) Excise Case No. 126 of 2018,
- (v) Excise Case No. 189 of 2019,

(vi) Kalyanpur P.S. Case No. 118 of 2019

It is directed to the District and Sessions Judge, Samastipur to do the needful that all sessions triable cases be run before one Magistrate/Sessions Court with same date prior or after commitment and all special cases shall run before one Special Court with same date.

Let the copy of this order is communicated to District & Sessions Judge, Samastipur for perusal and necessary compliance.

(Dr. Anshuman, J.)

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