

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19961 of 2022

Arising Out of PS. Case No.-265 Year-2019 Thana- SARAI District- Vaishali

=====

Suraj Kumar Son of Raja Prasad Rai R/o Village- Dighi Kala West, P.S.-
Hajipur Sadar in the District- of Vaishali

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

=====

Appearance :

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

For the Opposite Party/s : Mr. Chandra Sen Prasad Singh, APP

=====

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 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
Sarai P.S. Case No. 265 of 2019 lodged under Section 393 of the
I.P.C.

As per the prosecution case, the allegation of robbery
is there in the F.I.R.

Learned counsel for the petitioner submits that
petitioner is not named in the F.I.R. His name has been figured
in this case by virtue of the confessional statement of the co-
accused. He further submits that nothing in discriminating
recovered from the position of the petitioner. No T.I.P. has taken

place in the present case. He further submits that petitioner is in custody since 18.1.2021. He submits that petitioner is not arrested rather he was in custody and police has remanded him in the present case on 18.01.2021. Charge sheet has already been filed in this case.

Learned counsel submits that there are in total 9 criminal cases pending against the present petitioner but he submits that he is a law abiding citizen and ready to fulfill all the conditions whatsoever shall be imposed upon him by the Court.

Learned counsel further submits that co-accused Viru Bhagat has been granted bail by the Co-ordinate Bench of this Court vide order dated 20.10.2022 passed in Cr. Misc. No. 27009 of 2020.

Learned counsel for the State opposes the prayer for bail.

In the present facts and circumstances of this case and the submissions made above, let the petitioner above named, be granted bail on furnishing bail bonds of Rs.30,000/- (Rupees Thirty two thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Vaishali at Hajipur in connection with Sarai P.S. Case No. 265 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. Learned counsel for the petitioner submits that the petitioner appears to be a habitual offender as there are in total 10 cases pending against him (including the present one) which are as follows:

- i. Sarai P.S. Case No. 267 of 2019 lodged under Sections 302 and 34 of the I.P.C. read with Section

27 of the Arms Act.

ii. Sarai P.S. Case No. 268 of 2019 lodged under Sections 399, 402, 414 and 34 of the I.P.C. read with Sections 25(1-b)a, 26/35 of the Arms Act.

iii. Hajipur Sadar P.S. Case No. 578 of 2019 lodged under Section 397 of the I.P.C.

iv. Hajipur Sadar P.S. Case No. 427 of 2019 lodged under Sections 302 and 120 of the I.P.C.

v. Hajipur Sadar P.S. Case No. 471 of 2019 lodged under Sections 14, 149, 341, 347, 323, 397, 353 and 333 of the I.P.C.

vi. Bhagwanpur P.S. Case No. 173 of 2019 lodged under Section 394 of the I.P.C.

vii. Mahua P.S. Case No. 364 of 2019 lodged under Sections 302 and 397 of the I.P.C.

viii. Sitamadhi Mahindbara P.S. Case No. 97 of 2019 lodged under Section 392 of the I.P.C.

ix. Industrial Area P.S. Case No. 23 of 2018 lodged under Sections 412, 414 and 34 of the I.P.C.

x. Sarai P.S. Case No. 265 of 2019 lodged under Section 393 of the I.P.C. (present case).

The District and Session Judge Vaishali at Hajipur is

directed to do the needful so that all the cases above named shall run before one Magistrate with same date. If committed then, all Session triable cases shall be placed before one Session Court with same date.

Let the copy of the order be communicated to District and Session Judge Vaishali at Hajipur for perusal and necessary compliance.

With this observation, the bail application stands allowed.

(Dr. Anshuman, J)

sadique/-

U		T	
---	--	---	--