

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23226 of 2022

Arising Out of PS. Case No.-399 Year-2021 Thana- BANIAPUR District- Saran

Chhotu Kumar Son of Bhagirath Ram R/o Village - Pojhiya/Deuria, P.S. -
Kopa, District - Saran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Anjani Parashar, Adv.

For the Opposite Party/s : Mr. Umesh Lal Verma, APP.

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

3 01-09-2022 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
Baniyapur P.S. Case No. 399 of 2021 lodged under Section 399,
402, 412, 413, 414 of the Indian Penal Code read with Section
25(1-b)a/26/35 of the Arms Act.

As per the prosecution case, the police has got
information that 5 to 7 criminals were present at the second
floor of the house of one Ramayan Sah and planning to commit
dacoity. Police reached there and from the place of occurrence
the present petitioner alongwith other accused persons which are
6 in number apprehended. The recovery against the present

petitioner is alleged to made of 1 *Desi Katta*, 2 live cartridges, 1 Samsung Mobile, 1 small Mobile and 1 black colour Hero Honda motorcycle.

Learned counsel for the petitioner submits that petitioner is innocent and has committed no offence. He further submits that name of petitioner is figured only by virtue of suspicion. He also submits that petitioner is in custody since 16.10.2021 in which chargesheet has already been filed. On the point of criminal antecedents, learned counsel for the petitioner submits that there are in total 13 criminal cases pending against the present petitioner but all those case are initially lodged against unknown persons and subsequently the petitioner was remanded in those cases. Learned counsel for the petitioner also submits that petitioner is ready to fulfill all the conditions whatsoever it may be, imposed upon him by the Court.

Learned counsel for the State opposes the prayer for bail and submits that from the record it transpires that the petitioner is habitual offender and there are in total 14 cases pending against him including the present one.

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.50,000/- (Rupees

Fifty thousand) with two sureties of the like amount each to the satisfaction of learned C.J.M. Saran at Chapra in connection with Baniyapur P.S. Case No. 399 of 2021, 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 the record it transpires that there are in total 14 criminal cases (including present one) pending against present petitioner and all belongs to territorial division of District and Sessions

Judge, Saran at Chapra which are as follows :- **(1)** Baniyapur P.S. Case No. 235 of 2021, **(2)** Baniyapur P.S. Case No. 367 of 2021, **(3)** Baniyapur P.S. Case No. 391 of 2021, **(4)** Amnaur P.S. Case No. 230 of 2021, **(5)** Marhaura P.S. Case No. 542 of 2021, **(6)** Khaira (Nagar) P.S. Case No. 351 of 2021, **(7)** Khaira (Nagar) P.S. Case No. 347 of 2021, **(8)** Khaira (Nagar) P.S. Case No. 313 of 2021, **(9)** Daudpur P.S. Case No. 169 of 2021, **(10)** Daudpur P.S. Case No. 234 of 2021, **(11)** Rivilganj P.S. Case No. 348 of 2021, **(12)** Bheldi P.S. Case No. 278 of 2021, **(13)** Jalalpur P.S. Case No. 248 of 2021 & **(14)** Baniyapur P.S. Case No. 399 of 2021. Some of cases are magisterial triable and some cases are session triable.

The District and Sessions Judge, Saran at Chapra is directed to do the needful so that all the cases named above pending against the petitioner shall run before one Magistrate with same date prior to commitment and before one Session Court with same date after commitment as the case may be. It is also directed to do the needful so that the trial in all cases be conducted at the earliest.

Office is directed to send a copy of this order to the District and Sessions Judge, Saran at Chapra for perusal and necessary compliance.

With this observation, the bail application stands
allowed.

(Dr. Anshuman, J.)

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