

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22777 of 2022

Arising Out of PS. Case No.-24 Year-2013 Thana- SAHARSA RAIL P.S District- Khagaria

Chhotu Yadav Son of Ashok Yadav @ Upendra Yadav R/o Village- Rajni,
P.S.- Murliganj, District- Madhepura

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Krishna Pd. Singh, Sr. Adv. with
Mr. Parmanand Kumar, Adv.

For the Opposite Party/s : Mr. Uma Shankar Prasad Singh, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

3 08-09-2022 Let the defect(s), 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
Session Trial No. 47 of 2022 arising out of Saharsa Rail P.S.
Case No. 24 of 2013 lodged under Sections 302 and 34 of the
I.P.C. read with Section 27 of the Arms Act.

As per the prosecution case, the informant has
narrated that he along with his uncle were present in the
fertilizer shop. In the meantime, 5 named accused persons
including the present petitioner reached there and started
indiscriminate firing by their instrument keeping at their hand
by which the uncle of the informant suffered fire injury, the

informant reached the hospital for his treatment. Upon reference, they visited to Madhepura Sadar Hospital where the uncle of the informant declared dead. The cause of this event has shown as previous enmity as per the F.I.R.

Learned counsel for the petitioner submits that there are 5 accused persons in this case. Charge sheet has been filed against 4 accused persons, commitment has taken place in this case. He further submits that petitioner is in custody since 19.01.2022. Case has already been committed and trial has commenced. On the point of his criminal antecedent, learned counsel for the petitioner submits that he is ready to fulfill all the conditions whatsoever shall be imposed upon him by the Court. He further submits that out of 4 criminal cases pending against him he is on bail in some cases and in some cases he is persuading for bail. He further submits that so far as the merit of the present case is concerned, there are 3 accused persons to whom bail has been granted by the Co-ordinate Bench of this Court vide Cr. Misc. No. 30590 of 2017, Cr. Misc. No. 37076 of 2018 and Cr. Misc. No. 58211 of 2017.

Learned counsel for the State opposes the prayer for bail and submits that there are in total 5 cases pending against the present petitioner including the present one, trial has commenced.

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 Addl. Sessions Judge-IV, Khagaria in connection with Session Trial No. 47 of 2022 arising out of Saharsa Rail P.S. Case No. 24 of 2013, 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 be resulted into cancellation of his bail bond.

B. One of the bailors 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. Admittedly, there are in total 4 cases (including the present one) pending against the present petitioner in which 2 cases are of Madhepura District and 2 cases are of Khagaria District namely details are as follows:

District and Session Judge Madhepura	District and Session Judge Khagaria
i. Murliganj P.S. Case No. 89 of 2007 lodged under Sections 25(1-B)A/26/35 of the Arms Act. ii. Murliganj P.S. Case No. 210 of 2009 lodged under Sections 302/201/34 of the I.P.C. read with Section 27 of the Arms Act.	i. Saharsa (Banmankhi) Rail P.S. Case No. 25 of 2013 lodged under Section 27 of the Arms Act. ii. Saharsa Rail P.S. Case No. 24 of 2013 lodged under Sections 302 and 34 of the I.P.C. read with Section 27 of the Arms Act. (present case)

The District and Session Judge Madhepura and the District and Session Judge Khagaria is directed to do the needful so that the cases pending at Madhepura Division may run before one Court with one date and cases running before Khagaria Division may run before one Court with one date, if magisterial triable then before Magistrate, if session triable then before Session Court as the case may be.

Let the copy of this order is communicated to the District and Session Judge Madhepura and the District and Session Judge Khagaria for perusal and necessary compliance.

With this observation, the bail application stands allowed.

(Dr. Anshuman, J)

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