

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 22326 of 2022

Arising Out of PS. Case No.-554 Year-2021 Thana- ARA NAGAR District- Bhojpur

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Amit Kumar Singh S/o Late Bhola Singh @ Dilip Singh R/o village- Nandu
Tola Moti Chauk, P.S.- Khagoul, Distt.- Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sabal Kumar Jha, Advcoate.

For the Opposite Party/s : Mr. Ajay Kumar No.2, APP.

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN

ORAL ORDER

3 05-09-2022 Before argument, learned counsel for the petitioner submits that a supplementary affidavit has been filed seeking prayer to correct the address of the petitioner in the petition as mentioned in paragraph no.2 of supplementary affidavit as well as 1 typing mistake in paragraph no.3 (iv) also. He seeks permission to remove the defects.

Permission granted.

Learned counsel for the petitioner is directed to remove the defects in the course of the day.

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

Ara Nagar P.S. Case No. 554 of 2021 lodged under Sections 395 of the Indian Penal Code read with Section 27 of the Arms Act.

As per the prosecution case, the allegation of *dacoity* in the shop of the informant is there in which allegation of jewellery amounting to Rs.7,73,000/-, 2 Mobile, Rs.90,000/- cash, total about Rs.10 lacs is there. It has also been alleged that there are CCTV in the shop in which photograph of accused was recorded.

Learned counsel for the petitioner submits that the present F.I.R. has been lodged against 7-8 unknown accused persons. He further submits that name of petitioner has figured in this case by virtue of confessional statement of co-accused. He also submits that nothing incriminating recovered from the possession of petitioner, nor TIP has been conducted to identify the petitioner in this case. Learned counsel for the petitioner further submits that petitioner has been arrested in Ara Nagar P.S. Case No.557 of 2021 and remanded in the present case. He further submits that petitioner is in custody since 06.09.2021, chargesheet has already been filed in this case. On the point of criminal antecedent, learned counsel for the petitioner submits that there are 4 criminal cases pending against the petitioner, 3 cases are relating to Khagaul P.S. and 1 is in Ara Nagar P.S.

Learned counsel for the State opposes the prayer for bail and submits that the petitioner was apprehended by the Police alongwith other co-accused persons and from their possession arms were also recovered and separate case was also registered as Ara Nagar P.S. Case No.557 of 2022. He further submits that they have accepted that their involvement in the crime and handed over the entire jewellery which was melted.

In the present facts and circumstances of this case and the submissions made above, I am not inclined to grant bail to the petitioner at present and, therefore, his bail application at present is hereby rejected.

Learned Trial Court is directed to release him on bail after framing of charge imposing condition so that his appearance shall be secured during trial.

Speedy trial is the constitutional vision of justice, admittedly there are 5 criminal cases pending against present petitioner, 3 cases relating to Khagaul which is lies within the territorial jurisdiction of District and Sessions Judge, Patna (Sub-Division Danapur) and 2 cases lies within the territorial jurisdiction of District and Sessions Judge, Ara, details of which are as follows :-

District and Sessions Judge, Patna (Sub-Division	District and Sessions Judge,
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Danapur)	Ara
1. Khagaul P.S. Case No.33 of 2006, Under Section 392 I.P.C.	1. Ara Nagar P.S. Case No.557 of 2021, Under Section 399, 402 of I.P.C. read with Section 25(1-b)a, 26, 35 of Arms Act.
2. Khagaul P.S. Case No.43 of 2006, Under Section 25(1-b)a, 26, 35 of Arms Act.	2. Ara Nagar P.S. Case No.554 of 2021, Under Section 395 of I.P.C. read with Section 27 of Arms Act.
3. Khagaul P.S. Case No.47 of 2006, Under Section 389, 386 of I.P.C.	

The District and Session Judge, Patna is directed to do the needful so that all the magisterial triable cases shall run before the one Magistrate with one date and all cases pending at Ara shall run before one Magistrate with same date prior to commitment and before one Sessions Court at Ara after commitment.

Let a copy of this order is communicated to the District and Session Judge, Patna/Ara for his perusal and necessary compliance.

With this observation, the bail application stands rejected.

(Dr. Anshuman, J.)

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