

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23264 of 2022

Arising Out of PS. Case No.-383 Year-2020 Thana- DESARI District- Vaishali

Chotu Kumar Paswan @ Sanoj Paswan @ Chotu S/o Uma Shankar Paswan
R/o village- Ahmadpur, P.S.- Sarai Ranjan, District- Samastipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ashok Kumar Jha, Adv.

For the Opposite Party/s : Mr. Tarun Prasad Mandal, APP.

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

4 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
Desari (Sahdei O.P.) P.S. Case No. 383 of 2020 lodged under
Sections 399, 402, 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 allegation of recovery
of arms with a view to make loot was alleged to be made from
the possession of named accused persons.

Learned counsel for the petitioner submits that
petitioner is not apprehended from the place of occurrence. He
further submits that name of petitioner has figured in this case

by virtue of the confessional statement of the arrested persons. He also submits that petitioner is in custody since 31.01.2022. On the point of criminal antecedent, learned counsel for the petitioner submits that petitioner has 4 criminal antecedents and in all 4 cases he is on bail. Learned counsel for the petitioner further submits that petitioner is ready to fulfill all the conditions whatsoever shall be imposed upon him by the Court. He further submits that other co-accused persons have already been granted bail vide order dated 24.09.2021 passed in Cr. Misc. No. 21652 of 2021, order dated 04.02.2022 passed in Cr. Misc. No. 46527 of 2021 & order dated 15.04.2022 passed in Cr. Misc. No. 60666 of 2021.

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 thousand) with two sureties of the like amount each to the satisfaction of learned Sub Judge 16-cum- ACJM 15, Vaishali at Hazipur in connection with Desari (Sahdei O.P.) P.S. Case No. 383 of 2020, 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, admittedly there are 5 criminal cases pending against present petitioner, all relating to same session division i.e. District and Session Judge, Hajipur which are as follows :- **(1)** Sarai Ranjan P.S. Case No. 56 of 2018, **(2)** Sarai Ranjan P.S. Case No. 27 of 2019, **(3)** Sarai Ranjan P.S. Case No. 49 of 2019, **(4)** Sarai Ranjan P.S. Case No. 57 of 2020 & **(5)** Desari (Sahdei O.P.) P.S. Case No. 383 of 2020. Some cases are magisterial triable and some cases are session triable.

The District and Session Judge, Hajipur is directed to do the needful so that all the cases shall run before the one Magistrate with one date prior to commitment and after commitment all the session triable cases shall run before one Session Court with same date.

Let a copy of this order is communicated to the District and Sessions Judge, Hajipur for information and necessary compliance.

With this observation, the bail application stands allowed.

(Dr. Anshuman, J.)

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