

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23566 of 2022

Arising Out of PS. Case No.-219 Year-2021 Thana- HATHUA District- Gopalganj

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Amit Singh @ Fauzi @ Fauji Son of Banka Singh Resident of village -
Nayagaon, Police Station- Hathua, District - Gopalganj.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Bijay Prakash Singh, Adv.

For the Opposite Party/s : Mr. Anita Kumari, APP

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN

ORAL ORDER

4 11-10-2022 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
Sessions Trial No. 25 of 2022 arising out of Hathua P.S. Case
No. 219 of 2021 lodged under Sections 302, 34 of the I.P.C.
read with Section 27 of the Arms Act.

As per the prosecution, the case has been registered
against 7 named accused persons against whom the allegation is
to kill the son of the informant by gun shot in his Jewellery
shop.

Learned counsel for the petitioner submits that the
name of present petitioner has not described in F.I.R. rather his

name has come in this case by the confessional statement of co-accused. He further submits that petitioner is in custody since 29.01.2022, charge sheet has already been filed in this case. He submits that it is true that there are 10 criminal cases pending against the present petitioner excluding the present one but there is no material found in the present case. He is ready to fulfill all the conditions whatsoever shall be imposed upon him.

Learned counsel for the State opposes the prayer for bail and submits that the petitioner's antecedent is not clean and suspicions are there in the case diary against the present petitioner also.

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 Addl. District Judge – VIII, Gopalganj in connection with Sessions Trial No. 25 of 2022 arising out of Hathua P.S. Case No. 219 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 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 relationship 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 11 criminal cases (including the present one) pending against the petitioner which belongs to the District and Sessions Judge, Gopalganj and Siwan which are as follows:

Gopalganj

- i. Hathua P.S. Case No. 36 of 2017.
- ii. Hathua P.S. Case No. 59 of 2009.
- iii. Hathua P.S. Case No. 45 of 2016.
- iv. Mirganj P.S. Case no. 323 of 2014.
- v. Hathua P.S. Case No. 48 of 2017.

vi. Hathua P.S. Case no. 55 of 2017.

vii. Hathua P.S. Case No. 219 of 2021.(present case).

Siwan

i. Siwan Muffasil P.S. Case No. 188 of 2017.

ii. Nautan P.S. Case No. 14 of 2017.

iii. Mairwa P.S. Case No. 109 of 2017.

iv. Mairwa P.S. Case no. 137 of 2017.

Let the District and Sessions Judge, Gopalganj and Siwan is directed to do the needful so that all the magisterial triable cases or sessions triable cases prior to commitment shall run before one Magistrate with one date and all sessions triable cases after commitment, shall run before one Session Court with one date.

Let the copy of this order is communicated to the District and Sessions Judge, Gopalganj and Siwan for perusal and necessary compliance.

With this observation, the bail application stands allowed.

(Dr. Anshuman, J.)

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