

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23729 of 2022

Arising Out of PS. Case No.-254 Year-2021 Thana- BUXAR District- Buxar

Mukesh Kumar Son of Vimal Yadav R/o Village- Kukudha, P.S.- Agiaon,
District- Bhojpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rang Nath Choubey, Adv.

For the Opposite Party/s : Mr. Kalyan Shankar, 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
Buxar (T) P.S. Case No. 254 of 2021 lodged under Sections 380
and 457 of the I.P.C.

The prosecution case has been lodged against
unknown person. Stating therein that the informant was visited
to his native village but when he returned on 05.06.2021 and
opened the house then found that his jewellerys were theft
having cost of about Rs. 25,00,000/-.

Learned counsel for the petitioner submits that the
petitioner is not named in the F.I.R. He was remanded in the
present case. Nothing incriminating and recovered from the

possession of the petitioner or his house nor any T.I.P. has taken place. He further submits that petitioner is in custody since 21.01.2022 by way of remand in the present case and charge sheet has already been filed in this case. On the point of his criminal antecedent, learned counsel for the petitioner submitted that petitioner was arrested in Buxar Industrial P.S. Case No. 118 of 2021 on 06.07.2021 and thereafter he has been remanded in all the cases mentioned in paragraph 3 of the present petition by which it transpires that there are 6 criminal cases pending against him. Learned counsel for the petitioner submits that he is ready to fulfill all the conditions whatsoever shall be imposed upon him by the Court. Learned counsel for the petitioner further submits that one of the co-accused of this case has been granted bail by the Co-ordinate Bench of this Court vide order dated 08.08.2022 passed in Cr. Misc. No. 24332 of 2022.

Learned counsel for the State opposes the prayer for bail and submits that from the record it transpires that petitioner is a member of gang who used to commit theft in convenience with each other.

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 Chief Judicial Magistrate,

Buxar in connection with Buxar (T) P.S. Case No. 254 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 the petitioner is accused in total 5 cases (including present one) and all 5 criminal cases are relating to the Session Territorial Division of District and Session Judge Buxar. All cases are of similar nature and triable by Magistrate.

The details of all 5 cases are as follows:

i. Buxar P.S. Case No. 254 of 2021 lodged under

Sections 380/457 of the I.P.C. (present case).

ii. Buxar (Industrial) P.S. Case No. 118 of 2021
lodged under Sections 414/34 of the I.P.C.

iii. Buxar (Industrial) P.S. Case No. 89 of 2021
lodged under Sections 380 and 457 of the I.P.C.

iv. Buxar (Industrial) P.S. Case No. 90 of 2021
lodged under Sections 380 and 457 of the I.P.C.

v. Buxar (Industrial) P.S. Case No. 97 of 2021
lodged under Sections 380 and 457 of the I.P.C.

The District and Session Judge, Buxar is directed to
do the needful so that all the cases above named shall run before
the one Magistrate with same date.

Let the copy of the order be communicated to the
District and Session Judge Buxar for perusal and necessary
compliance.

With this observation, the bail application stands
allowed.

(Dr. Anshuman, J)

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