

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26022 of 2022

Arising Out of PS. Case No.-34 Year-2021 Thana- GURUA District- Gaya

Dhananjay Das S/O Chalitar Das Resident Of Village- Jay Bigha, P.S.- Gurua
And District- Gaya.

... .. Petitioner/S

Versus

The State Of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Manish Kumar No2, Advocate

For the Opposite Party/s : Mr. Binod Kumar, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

3 18-08-2022 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
Gurua P.S. Case No. 34 of 2021 lodged under Sections 302,
120(B) and 34 of the Indian Penal Code and Section 27 of the
Arms Act.

As per the prosecution case, informant has filed F.I.R
on 08.02.2021 that his son was going by his motorcycle then at
about 12:30 PM, unknown persons have killed the informant's
son by gun shot. Indication in the F.I.R has been made against
four unknown persons.

Learned counsel for the petitioner submits that in the



F.I.R itself, the informant himself indicated about four named persons in the murder of his son in which name of the petitioner has not been disclosed. Learned counsel for the petitioner submits that he has categorically stated in para.11 of the petition that he is in custody since 30.06.2018 to 09.06.2021 whereas, the date of occurrence is 08.02.2021 and in this view of the matter, there is no direct involvement of the present petitioner in this case. He further submits that petitioner is in custody since 02.12.2021. In this case, charge sheet has already been filed. He further admits that there are 12 criminal cases pending against him and he has obtained bail in all the cases. He further admits that he is ready to fulfill all the conditions whatsoever it may be imposed by the court.

Learned counsel for the State opposes the prayer for bail and submits that in the case diary, the name of the petitioner has figured directly as a man of conspirator of the murder but also admits that as per the statement, on the date of occurrence, he was in jail. Learned A.P.P also submits that series of witnesses have disclosed the name of the petitioner that on his instance, this murder has taken place.

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 Judicial Magistrate-1st class, Sherghati, Gaya in connection with Gurua P.S. Case No. 34 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. In the present case, there are in total 13 cases pending against the present petitioner which belong to same District and Sessions



Judge lies within the jurisdiction of Gaya district whose details are as follows:

(I). Gurua P.S. Case No. 192 of 2017 offences punishable under Sections 147, 148, 149, 341, 323, 427, 435, 385, 387, 504 and 506 of the Indian Penal Code and Section 27 of Arms Act and Section 17 of the C.L.A. Act

(II) Barachatti P.S. Case No. 92 of 2018 under Sections 147, 148, 149, 341, 323, 427, 435, 385, 387, 504 and 504 of the Indian Penal Code and Section 27 of the Arms Act an Section 17 of C.L.A. Act.

(III) Raushanganj P.S. Case No. 181 of 2017 under Sections 147, 148, 149, 341, 323, 504, 506, 379, 435 and 427 of the Indian Penal Code and Section 17 of C.L.A. Act.

(IV) Amas P.S. Case No. 260 of 2017 under Sections 147, 148, 149, 341, 323, 504, 506, 427 and 435 of the Indian Penal Code and Section 17 of C.L.A. Act.

(V) Gurua P.S. Case No. 173 of 2017 under Sections 385, 387, 379 and 34 of the Indian Penal Code and Section 17 of the C.L.A. Act.

(VI) Gurua P.S. Case No. 22 of 2017 under Section 392 of the Indian Penal Code.

(VII) Amas P.S. Case No. 167 of 2017 under Sections



147, 148, 149, 341, 323, 427, 435, 385, 387, 504 and 506 of the Indian Penal Code and Section 17 of the C.L.A. Act.

(VIII) Gurua P. S. Case No. 17 of 2017 offences punishable under Sections 147, 148, 149, 341, 323, 427, 435, 385, 387, 504 and 506 of the Indian Penal Code and Section 27 of Arms Act and Section 17 of the C.L.A. Act.

(IX) Gurua P.S. Case No. 222 of 2015 offences punishable under Section 302/34 of the Indian Penal Code.

(X) Sherghati (Dhobi) P.S. Case No. 318 of 2015 offences punishable under Sections 395/412 of the Indian Penal Code.

(XI) Amas P.S. Case No. 124 of 2014 offences punishable under Section 395/412 of the Indian Penal Code.

(XII) Paraiya P.S Case No. 70 of 2016 offences punishable under Section 392 of the Indian Penal Code.

(XIII) Gurua P.S. Case No. 34 of 2021 offences punishable under Sections 302, 120(B) and 34 of the Indian Penal Code and Section 27 of the Arms Act.

District and Sessions Judge is directed to do the needful so that all the Magisterial/Sessions Triable places shall run before one Magistrate/Sessions Court with same date before or after the commitment.



With this observation, the bail application stands
allowed.

(Dr. Anshuman, J.)

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