

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26874 of 2022

Arising Out of PS. Case No.-119 Year-2021 Thana- MOUZAHDIPUR District- Bhagalpur

Kundan Yadav Son of Suraj Yadav, Resident of Village – Maheshpur, Madwa
Asthan, P.S.- Babargunj, Distt.- Bhagalpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Swapnil Kumar Singh, Adv.

For the Opposite Party/s : Ms. Rina Sinha, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN

ORAL ORDER

2 13-09-2022 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
Mojahidpur (Babbargunj) P.S. Case No. 119 of 2021 lodged
under Sections 406 and 379 of the Indian Penal Code.

As per the prosecution case, the informant alleged that
accused person has taken his mobile and by his mobile, he has
transferred Rs.1,70,000. It has been alleged that mobile is still
with the accused, upon which the case has been filed.

Learned counsel for the petitioner submits that the
alleged date of occurrence is of 07.05.2021, whereas the present
case has been instituted against the petitioner on 12.05.2021. He

further submits that such delay in filing F.I.R. itself shows that false F.I.R. has been filed. He further submits that charge sheet has been filed as well as charge has been framed in this case and petitioner is in custody since 16.09.2021. On the point of criminal antecedent, learned counsel for the petitioner submits that there are in total 6 cases pending against the petitioner, in addition to the present one but he is on bail in all 6 cases. Learned counsel for the petitioner further submits that he is also ready to fulfill all the conditions whatsoever shall be imposed upon him.

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 Judicial Magistrate-1st Class, Bhagalpur in connection with Mojahidpur (Babbargunj) P.S. Case No. 119 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 an 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 7 criminal cases pending against the present petitioner, the details of which are as follows :-

(I) Mojahidpur (Babbargunj) P.S. Case No.322 of 2017,

(ii) Mojahidpur (Babbargunj) P.S. Case No. 79 of 2018,

(iii) Mojahidpur (Babbargunj) P.S. Case No. 112 of 2018,

(iv) Mojahidpur (Babbargunj) P.S. Case No. 117 of 2018,

(v) Mojahidpur (Babbargunj) P.S. Case No. 118 of
2018,

(vi) Mojahidpur (Babbargunj) P.S. Case No. 186 of
2021,

(vii) Mojahidpur (Babbargunj) P.S. Case No. 119 of
2021.,

All the cases comes within the territorial jurisdiction
of District and Sessions Judge, Bhagalpur. Learned District and
Sessions judge, Bhagalpur is directed to do the needful, so that
all the criminal cases which are Magisterial Triable and if
Sessions Tribunal prior to commitment shall run before one
Magistrate, with same date and after commitment, the Sessions
Tribunal cases shall run before one Sessions Court with same
date.

Office is directed to communicate this order to the
District Sessions judge, Bhagalpur for perusal and necessary
action.

(Dr. Anshuman, J.)

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