

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26864 of 2022

Arising Out of PS. Case No.-152 Year-2020 Thana- SHANKARPUR District- Madhepura

Nitish Kumar @ Niteesh Kumar Son of Sadanand Yadav Resident of Village -
Raibhir, Ward No.8, P.s.- Shankarpur, Distt.- Madhepura.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Amarnath Jha, Adv.

For the Opposite Party/s : None

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 02-09-2022 Let the defect, if any, be removed within two weeks
from today.

Heard learned counsel for the petitioner through
virtual mode.

Learned A.P.P. for the State not appeared.

The petitioner seeks regular bail in connection with
Shankarpur P.S. Case No. 152 of 2020 lodged under Sections
302/34 of the Indian Penal Code read with Section 27 of the
Arms Act.

The F.I.R. has been lodged against 10 known and 6-7
unknown persons. Allegation made by the informant is that the
father of the informant had visited to local market. It has been
stated that the said accused persons have surrounded him with
deadly weapons and started indiscriminate firing. When the

informant reached on spot, he saw that his father was brutally assaulted and due to which he died.

Learned counsel for the petitioner submits that the name of petitioner has figured in this case on the basis of suspicion. He further submits that recovery of arms took place with Sudhanshu Kumar and Ram Kumar Yadav @ Rajababu but not with the petitioner. He further submits that 2 similarly situated accused persons namely Mukesh Kumar and Vivek Yadav have already been granted bail by the Co-ordinate Bench of this Court vide orders dated 16.02.2022 & 23.02.2022 passed in Cr. Misc. Nos. 46535 of 2021 & 45316 of 2021. He further submits that petitioner is in custody since 08.03.2021. On the point of criminal antecedent, learned counsel for the petitioner submits that there are 7 cases pending against the present petitioner but in 5 cases he is on 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 J.M. 1st Class, Madhepura in connection with Shankarpur P.S. Case No. 152 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 8 criminal cases pending against present petitioner, out of 8 cases, 6 cases belongs to District Madhepura and 1 case is from District Supaul and all are magisterial triable cases except a few which are as follows :- **(1)** Madhepura P.S. Case No. 374 of 2019, **(2)** Madhepura P.S. Case No. 449 of 2019, **(3)** Singhashwar P.S. Case No. 101 of 2019, **(4)** Gamharia P.S. Case No. 98 of 2019, **(5)** Gamharia P.S. Case No. 124 of

2019, **(6)** Shankarpur P.S. Case No. 16 of 2021, **(7)** Pipra P.S. Case No. 132 of 2019, & **(8)** Shankarpur P.S. Case No. 152 of 2020.

The District and Session Judge, Madhepura is directed to do the needful so that all the magisterial triable 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, Madhepura for his perusal and necessary compliance.

With this observation, the bail application stands allowed.

(Dr. Anshuman, J.)

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