

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26865 of 2022

Arising Out of PS. Case No.-292 Year-2019 Thana- KATRA District- Muzaffarpur

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Kaushal Das S/o Late Girdhari Das R/o village- Atrar, P.S.- Aurai, District-
Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Hari Kishore Thakur, Adv.

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

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 06-09-2022 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
Katra P.S. Case No. 292 of 2019 lodged under Section 392 of
the Indian Penal Code.

As per the prosecution, the present case has been
lodged against 4 unknown persons with allegation of robbery by
4 persons.

Learned counsel for the petitioner submits that
petitioner is innocent and has committed no offence. He further
submits that no incriminating has been recovered from the
possession of petitioner, no TIP of petitioner has been taken
place. He further submits that the present F.I.R. has been filed

against unknown persons, name of petitioner has figured in this case by virtue of confessional statement of co-accused to whom bail has been granted by the Co-ordinate Bench of this Court vide order dated 13.04.2022 passed in Cr. Misc. No. 61786 of 2021 (Annexure No.2 of the petition). Learned counsel for the petitioner further submits that petitioner is in custody since 13.09.2021 and chargesheet has already been filed in this case. On the point of criminal antecedent, learned counsel for the petitioner submits that there are 4 criminal cases pending against the petitioner and he is ready to fulfill all the conditions, whatsoever it may be laid down by the Court.

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 J.M. 1st Class, Muzaffarpur (East) in connection with Katra P.S. Case No. 292 of 2019, 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 in total 5 criminal cases pending against present petitioner whose nature are as follows :-

District and Sessions Judge, Muzaffarpur	
1. Ahiyapur P.S. Case No.692 of 2020, Under Section 395 of I.P.C. Sessions Triable	1. Katra P.S. Case No.292 of 2019, Under Section 392 of I.P.C. Magisterial Triable
2. Ahiyapur P.S. Case No.753 of 2020, Under Sections 20/22 of NDPS Act read with Sections 25(1-b)a, 26 & 35 of Arms Act. Sessions Triable	
3. Aurai P.S. Case No.38 of 2020, Under Section 395 of	

I.P.C. Sessions Triable	
4. Aurai P.S. Case No.191 of 2020, Under Sections 399/402 of I.P.C. read with Sections 25(1-b)a, 26 of Arms Act. Sessions Triable	

There are in total 5 cases pending against the petitioner including present one. All cases belongs to District and Session Judge, Muzaffarpur.

District and Session Judge, Muzaffarpur is directed to do the needful so that all the magisterial triable cases shall run before one Magistrate with same date prior to commitment and after commitment shall run before one Sessions Court with same date. Special case shall run before special court.

Let a copy of this order is communicated to the District and Session Judge, Muzaffarpur for his perusal and necessary compliance.

With this observation, the bail application stands allowed.

(Dr. Anshuman, J.)

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