

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27411 of 2022**

Arising Out of PS. Case No.-127 Year-2021 Thana- SURYAGARHA District- Lakhisarai

Sarvjeet Kumar @ Hariom S/o Surendra Saw @ Suren Saw, R/o village-
Bansgarha Bind Toli, P.S.- Mednichouki, District-Lakhisarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Manoj Kumar, Adv.

For the Opposite Party/s : Mr. Jagdhar Prasad, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 15-09-2022 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
Surajgarha (Manikpur) P.S. Case No. 127 of 2021 under
Sections 457 and 382 of the Indian Penal Code.

As per the prosecution, the F.I.R. has been lodged
against 3-4 unknown accused persons. The allegation of theft is
there in the F.I.R.

Learned counsel for the petitioner submits that
nothing was recovered from his possession and no T.I.P has
taken place. Name of petitioner has figured in this case by virtue
of confessional statement of the co-accused. He further submits

that petitioner is in custody since 06.09.2021. On the point of criminal antecedent, learned counsel for the petitioner submits that there are 4 criminal cases pending against the petitioner and in 2 cases he is on bail and 2 cases bail petition is pending.

Learned counsel for the State opposes the prayer for bail and submits that from the order passed by the Additional District and Sessions Judge from where the bail petition of the petitioner was rejected, has categorically stated that there are 5 criminal cases pending against him.

Learned counsel for the petitioner specifically submits that there is only and only 4 cases pending against the petitioner and it has been wrongly mentioned in the order sheet.

In the present facts and circumstances of the 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 A.C.J.M.-IIInd, Lakhisarai in connection with Surajgarha (Manikpur) P.S. Case No. 127 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.

Learned trial court is directed to verify that whether 4 cases are pending or 5 cases are pending against the petitioner. If the statement made in the order passed by Additional District and Sessions Judge was found correct, then the bail granted to the petitioner by this Court shall immediately be cancelled.

Speedy trial is the constitutional vision of justice. Admittedly, there are 3 criminal cases pending against the petitioner, all belong to District Lakhisarai, which are as follows:

(I) Piri Bazar P.S. Case No. 63 of 2021

(ii) Piri Bazar P.S. Case No. 68 of 2021,

(iii) Piri Bazar P.S. Case No. 81 of 2021

Let the District and Sessions Judge, Lakhisarai is hereby directed to do the needful, so that all the cases which are magisterial triable and sessions triable prior to commitment shall run before one Magistrate with one date and all sessions triable cases after commitment shall run before one Sessions Court with one date.

Let a copy of this order be communicated to the District and Sessions Judge, Lakhisarai for his perusal and necessary compliance.

With these observations, the bail application stands allowed.

(Dr. Anshuman, J.)

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