

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27403 of 2022

Arising Out of PS. Case No.-1088 Year-2019 Thana- NAGAR District- Vaishali

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Kundan Singh @ Kundan Kumar @ Rajesh Kumar Son of Rambabu Singh @
Rambabu Rai Resident of village - Gopalpur Chaknai, P.S. - Bidupur, District
- Vaishali.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

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

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

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 14-09-2022 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
Hajipur Town P.S. Case No. 1088 of 2019 lodged under Section
392 of the I.P.C.

As per the prosecution case, the allegation of robbery
against two unknown accused persons have been made.

Learned counsel for the petitioner submits that
petitioner is innocent and has committed no offence. His name
has been figured in this case by virtue of the confessional
statement of co-accused. He further submits that nothing has

been recovered from the possession or places belongs to the petitioner. He also submits that he was not put on T.I.P. till date. Learned counsel further submits that he is in custody since 30.12.2021, charge sheet has already been filed in this case. On the point of his criminal antecedent he submits that there are total 6 cases pending against him out of which he is on bail in 5 cases and persuading bail in 6th case. The present case is the 7th case against 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 Chief Judicial Magistrate, Vaishali at Hajipur in connection with Hajipur Town P.S. Case No. 1088 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 be resulted into cancellation of

his bail bond.

B. One of the bailors shall be close relative who shall file 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. It is crystal clear that there are in total 7 criminal cases (including the present one) pending against the petitioner which belongs to the District and Session Judge Vaishali at Hajipur which are as follows:

- i. Bidupur P.S. Case No. 166 of 2018 lodged under Sections 302, 120(B) of I.P.C. read with Section 27 of Arms Act.
- ii. Bidupur P.S. Case No. 539 of 2018 lodged under Sections 420, 120(B) of I.P.C. read with Section 72 of J.J. Act and Section 30(a) of Bihar Prohibition and Excise Act.
- iii. Bidupur P.S. Case No. 158 of 2020 lodged under

Sections 341, 323, 324, 307/34 of I.P.C. read with Section 27 of Arms Act.

iv. Bidupur P.S. Case no. 513 of 2018 lodged under Section 30(a) of Excise Act.

v. Industrial Area P.S. Case No. 211 of 2019 lodged under Sections 399, 402 of I.P.C. read with Section 25(1-b)a, 26, 35 of Arms Act.

vi. Bidupur P.S. Case No. 518 of 2019 lodged under Section 30(a) of Bihar Prohibition & Excise Act.

vii. Hajipur Town P.S. Case no. 1088 of 2019 lodged under Section 392 of the I.P.C.(present case).

Let the District and Session Judge Vaishali at Hajipur is directed to do the needful so that all the magisterial triable cases and session triable cases prior to commitment shall run before one Magistrate with one date and after commitment, the session triable cases shall run before one Session Court with one date.

The special cases shall run before Special Court in usual course.

Let the copy of this order is communicated to the District and Session Judge Vaishali at Hajipur for perusal and necessary compliance.

With this observation, the bail application stands
allowed.

(Dr. Anshuman, J)

Sadique/-
Prakash/-

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