

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30558 of 2022

Arising Out of PS. Case No.-15 Year-2022 Thana- MIRGANJ District- Gopalganj

Pappu Khan Son Of Md. Salam Khan, R/o Village- Basantpur, P.S.- Mirganj,
District- Gopalganj

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Kumari Anupam, Adv.

For the Opposite Party/s : Mr. Uday Pratap Singh, APP.

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

3 17-09-2022 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
Mirganj P.S. Case No. 15 of 2022, lodged under Sections 302,
34 of the Indian Penal Code read with Section 27 of Arms Act.

As per the prosecution case, the allegation of firing
upon the father of the informant by named accused persons are
there in the F.I.R. whose names are in the accused column.

Learned counsel for the petitioner submits that name
of petitioner is not figured in this case. He further submits that
petitioner is in custody since 23.03.2022. Learned counsel for
the petitioner further submits that as per the post-mortem report
which is Annexure - 2 there is only one injury by fire arm

which is not caused by the petitioner. He further submits that allegation of firing is not upon the petitioner as he is not named in the F.I.R. On the point of criminal antecedent, learned counsel for the petitioner submits that due to wrong information provided by the *pairvikar* of the case criminal antecedent of petitioner was wrongly mentioned in paragraph no.3 of the petition but subsequently by virtue of supplementary affidavit it has been intimated that petitioner has 4 criminal antecedent and out of 4 cases he has been acquitted in one case but 3 cases are pending against him and in all the cases petitioner is on bail. Learned counsel for the petitioner further submits that petitioner is ready to fulfill all the conditions whatsoever shall be imposed upon him by the Court.

Learned counsel for the State opposes the prayer for bail but intimated to the Court that petitioner is not named in the F.I.R. and direct allegation of firing is upon other named accused person and not against the present petitioner.

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 A.C.J.M. 15th cum Sub Judge-15th,

Gopalganj in connection with Mirganj P.S. Case No. 15 of 2022, 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. From the records of the case, it transpires that there are 4 criminal cases pending against the petitioner including the present one and all cases belongs to District Gopalganj. The chart of all these cases are as follows :-

1. Mirganj P.S. Case No. 284/2017 U/s 27 of Arms

Act.

2. Mirganj P.S. Case No. 282/2017 U/s 399, 402, 414 of I.P.C. read with Sections 25(1-b)a, 26, 35 of Arms Act.

3. Thawe P.S. Case No. 107/2018 U/s 188 of I.P.C. read with Section 45(i), 46(vi) of Prisoner Act.

4. Mirganj P.S. Case No. 15/2022 U/s 302, 34 of I.P.C. read with Section 27 of Arms Act.

The District and Sessions Judge, Gopalganj is directed to do the needful so that all magisterial triable cases and sessions triable cases 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 is communicated to District and Sessions Judge, Gopalganj for information and necessary compliance.

With these observations, the bail application stands allowed.

(Dr. Anshuman, J.)

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