

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21856 of 2022

Arising Out of PS. Case No.-194 Year-2021 Thana- TAJPUR District- Samastipur

Om Prakash @ Upendra Son of Jagarnath Singh, Resident of village -
Sahdullapur, Ward No.- 6, P.S.- Sakra, District - Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 30652 of 2022

Arising Out of PS. Case No.-194 Year-2021 Thana- TAJPUR District- Samastipur

Prabhat Kumar @ Golu Son Of Pappu Kumar Singh, Resident of Village-
Simari, Police Station-Sakra, District-Muzaffarpur.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 21856 of 2022)

For the Petitioner/s : Mr.Pramod Kumar Singh, Advocate

For the Opposite Party/s : Mr.Vinod Shanker Modi, APP.

(In CRIMINAL MISCELLANEOUS No. 30652 of 2022)

For the Petitioner/s : Mr.Pramod Kumar Singh, Advocate

For the Opposite Party/s : Ms.Gulnar Begum, APP.

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

3 05-09-2022 This case and Cr. Misc. Case No.30652 of 2022, both

arise out of same Tajpur P.S. Case No. 194 of 2021. Therefore,

both have been heard together and being disposed of by this

common order.

Let the defect, if any, be removed within two weeks

from today.

Heard learned counsel for the petitioners and learned A.P.P. for the State.

The petitioners seek regular bail in connection with Tajpur P. S. Case No. 194 of 2021 lodged under Sections 395, 412 and 120B of the Indian Penal Code.

As per allegation made in the F.I.R., the Accounts Officer, S.B.I., Tajpur lodged an F.I.R. alleged that one person entered in the bank showing himself as customer and three persons reached on each three counters and completely hacked the bank on their gun point and looted Rs.7,90,590/-, three S.B.I. ATM Cards and one Identity Card from the bank.

Learned counsel for the petitioners submits that F.I.R. has been filed against unknown persons. They are being unnecessarily made accused in this case. Learned counsel for the petitioners further submits that the alleged recovery which has been shown in the present case is the subject matter of another police case and therefore, it may not be treated to be recovery in the present case. He further submits that the petitioner namely, Om Prakash @ Upendra have five criminal antecedent, all of same nature. He further submits that petitioner is in custody since 26.07.2021 and charge sheet has already been filed. He further submits that the 2nd petitioner namely,

Prabhat Kumar @ Golu is in custody since 20.01.2022 and there are in total three cases pending against him in addition to present case. All are of similar nature. Learned counsel further submits that as per allegation, the entire occurrence has been recorded in CCTV footage but till date police has not conducted T.I.P. against these petitioners. They are ready to fulfill all the conditions whatsoever shall be imposed upon them by the Court.

Learned counsel for the State opposes the prayer for bail of both the petitioners and submits that both the petitioners are accused of bank dacoity in SBI. Recovery of bank notes of SBI have been made from their houses. They have criminal antecedent of similar nature. Therefore, the bail petition of the petitioners may be rejected.

In the present facts and circumstances of the case and the submissions made above, I am not inclined to grant bail to the petitioners. Therefore, the bail petition of the petitioners are hereby rejected.

The Trial Court is directed to expedite the trial at the earliest preferably within one year after framing of charge.

Speedy trial is the constitutional vision of justice. Admittedly, it transpires from the record that there are six cases

pending against the petitioner namely, Om Prakash @ Upendra,
which are as follows:-

District and Sessions Judge, Muzaffarpur.	District and Sessions Judge, Hajipur.	District and Sessions Judge, Samastipur.
(1) Maniyari (Muzaffarpur) P.S. Case No. 161 of 2021, (2) Sakara (Muzaffarpu) P.S. Case No. 86 of 2021,	(1) Nagar (Hajipur) P.S. Case No.458 of 2021,	(1) Samastipur (Muffasil) P.S. Case No. 273 of 2021, (2) Tajpur P.S. Case No. 194 of 2021. (3) Samastipur (Muffasil) P.S. Case No. 191 of 2021,

And there are four cases pending against the petitioner, namely, Prabhat Kumar @ Golu, which are as follows:-

District and Sessions Judge, Muzaffarpur.	District and Sessions Judge, Hajipur.	District and Sessions Judge, Samastipur.
(1) Maniyari P.S. Case No. 161 of 2021,	(1) Hajipur (Town) P.S. Case No. 458 of 2021,	(1) Samastipur (Muffasil) P.S. Case No.191 fo 2021, (2) Tajpur P.S. Case No. 194 of 2021.

All cases are relating to different Police Station of Muzaffarpur, Samastipur and Hajipur District. The District and

Sessions Judge, Muzaffarpur, Samastipur and Hajipur are directed to order so that all pending cases against the petitioners shall run before one Court, that is to say, all magisterial trial cases before one Magistrate with one date prior to commitment and all sessions triable cases before one Sessions Judge after commitment with one date and all special court cases, if any, before the said Special Court with one date, in their respective districts.

Let a copy of this order is directed to be placed before the District and Sessions Judge, Muzaffarpur, Samastipur and Hajipur for perusal and necessary compliance.

(Dr. Anshuman, J.)

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