

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30522 of 2022

Arising Out of PS. Case No.-248 Year-2021 Thana- MAJORGANJ District- Sitamarhi

SHYAM PANDEY Son of Ramashraya Pandey, Resident of Village- Basbitta,
Police Station- Mejorganj, District - Sitamarhi.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ashok Kumar Jha, Advocate

For the Opposite Party/s : Mr.Dilip Kumar No. 1, APP.

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN

ORAL ORDER

4 19-09-2022 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
Mejorganj P.S. Case No. 248 of 2021 lodged under Sections 302
and 201B/34 of Indian Penal Code.

As per the prosecution story, there is specific
allegation against 4 named accused persons in which the name
of the petitioner has not been figured in this case. The name of
the petitioner has figured in this case on the disclosure of co-
accused Prashant Kumar.

Learned counsel for the petitioner submits that there is
a suspicion caused against this petitioner. He further submits

that petitioner is in custody since 06.04.2022 and charge sheet has already been filed in this case. Learned counsel further submits that there are 4 criminal cases pending against the petitioner and in all the cases, petitioner is on bail. Learned counsel further submits that two accused persons of this case have already been granted bail by this Court as well as by the Co-ordinate Bench of this Court vide orders dated 25.07.2022 and 28.06.2022 passed in Cr. Misc. Nos. 20313 of 2022 and 25533 of 2022 respectively.

Learned counsel for the State opposes the prayer for bail and submits that in the order sheet of Session Court it has come that the present petitioner has taken *supari* for commission of the offence. Learned counsel further submits that there are 4 criminal antecedent against the present petitioner.

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 Addl. District Judge-XII, Sitamarhi in connection with Mejorganj P.S. Case No. 248 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.

Speedy trial is the constitutional vision of justice. Admittedly, there are 5 cases pending against the petitioner including present one and all the 5 cases belongs to the District Sessions Judge, Sitamarhi, which are as follows :-

1. Sitamarhi P.S. Case No. 448 of 2019,
2. Sitamarhi P.S. Case No. 202 of 2019,
3. Bajpatti P.S. Case No. 270,
4. Majorganj P.S. Case No. 107 of 2019,
5. Mejorganj P.S. Case No. 248 of 2021

Let the District and Sessions Judge, Sitamarhi is directed to do the needful, so that all the cases of 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 the copy of this order be communicated to the District and Sessions Judge, Sitamarhi for his perusal and necessary compliance.

With these observations, the bail application stands allowed.

(Dr. Anshuman, J.)

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