

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35982 of 2022

Arising Out of PS. Case No.-38 Year-2021 Thana- DARIYAPUR District- Saran

=====

Kundan Kumar Son Of Akhilesh Rai R/O- Vill- Bhagwanpur, P.S.- Awtar
Nagar, Dist.- Saran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

=====

Appearance :

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

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

=====

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 20-09-2022 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
Dariyapur P.S. Case No. 38 of 2021 lodged under Section 392 of
the I.P.C.

As per the prosecution case, the allegation of robbery
is there in the F.I.R. against 3 unknown persons.

Learned counsel for the petitioner submits that
petitioner is innocent and has committed no offence. He further
submits that nothing incriminating has been recovered from his
possession. He also submits that he was not put on T.I.P.
Learned counsel further submits that he is in custody since

02.03.2022 having 2 criminal cases pending against him. He submits that in one case he is on bail and in another case he is persuading bail. Learned counsel for the petitioner submits that he 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.

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, Saran at Chapra in connection with Dariyapur P.S. Case No. 38 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 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 in total 3 criminal cases (including the present one) pending against the petitioner which belongs to the District and Session Judge Saran at Chapra which are as follows:

- i. Sonapur Rail P.S. Case No. 21 of 2021 lodged under Sections 395, 397 of the I.P.C. read with Section 27 of Arms Act.
- ii. Sonapur Rail P.S. Case No. 22 of 2021 lodged under Section 27 of Arms Act.
- iii. Dariyapur P.S. Case No. 38 of 2021 lodged under Section 392. (present case).

Let the District and Session Judge Saran at Chapra 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.

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

With this observation, the bail application stands allowed.

(Dr. Anshuman, J.)

sadique/-

U		T	
---	--	---	--