

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37610 of 2022

Arising Out of PS. Case No.-368 Year-2018 Thana- BIDUPUR District- Vaishali

Sumit Kumar @ Zamura Son Of Ashok Singh @ Ashok Kumar, Resident of
Village- Kuwari Bujurg, P.S.- Ganga Bridge, District- Vaishali.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Abhishek Kumar, Advocate Mr. Sharad Kumar Verma, Advocate Ms. Rashmi Jha, Advocate
For the Opposite Party/s	:	Ms. Nirmala Kumari, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 23-09-2022 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
Biddupur P.S. Case No. 368 of 2018 lodged under Section 392
of Indian Penal Code.

The allegation of robbery against 4 accused persons
are there. The petitioner is named in the F.I.R.. The prosecution
case is that accused persons have stopped the informant and
robbed him when they were returning, in the meantime, the
informant made noise and the local villagers have identified the
present petitioner.

Learned counsel for the petitioner submits that nothing incriminating has recovered from the possession of the petitioner. He further submits that petitioner is in custody since 29.10.2018. Learned counsel for the petitioner further submits that there are in total 10 cases pending against the petitioner including the present one. He further submits that charge sheet has already been filed in this case. Learned counsel further 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 and submits that there are in total 11 cases pending against the petitioner.

In the present facts and circumstances of the case and considering the period of custody, 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 in connection with Biddupur P.S. Case No. 368 of 2018 , 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 11 cases pending against the petitioner including present one and all cases belongs to the District Sessions Judge, Vaishali, which are as follows :-

1. Hajipur Town P.S. Case No. 1052 of 2019,
2. Hajipur Sadar P.S. Case No. 769 of 2018,
3. Biddupur P.S. Case No. 40 of 2021,
4. Biddupur P.S. Case No. 329 of 2018,
5. Biddupur P.S. Case No. 369 of 2018,
6. Rajapakar P.S. Case No. 165 of 2018,
7. Gangal Bridge P.S. Case No. 70 of 2018,

8. Biddupur P.S. Case No. 361 of 2020,
9. Hajipur Town P.S. Case No. 1092 of 2019,
10. Industrial Area P.S. Case No. 167 of 2018,
11. Biddupur P.S. Case No. 368 of 2018.

Let the District and Sessions Judge, Vaishali is directed to do the needful, so that all the cases which are magisterial triable or sessions triable prior to commitment shall run before one Magistrate with one date and sessions triable after commitment shall run before one session court with one date and special cases, if any, shall run before the Special Court with one date.

Let the copy of this order be communicated to the District and Sessions Judge, Vaishali for his perusal and necessary compliance.

With these observations, the bail application stands allowed.

(Dr. Anshuman, J.)

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