

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.34329 of 2022**

Arising Out of PS. Case No.-59 Year-2021 Thana- KHAGARIA District- Khagaria

=====

Bishal Kumar Son of Vijay Kumar Sharma, Resident of Village - Uttari  
Rajendra Nagar Ward No. 19 Sanhauli P.S.- Chitragupta Nagar, Khagaria,  
District- Khagaria.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

=====

**Appearance :**

For the Petitioner/s : Mr. Anil Kumar Choudhary, Adv.

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

=====

**CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN**  
**ORAL ORDER**

2      16-09-2022                      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 through virtual mode.

The petitioner seeks regular bail in connection with  
Khagaria (Chitragupta Nagar) P.S. Case No. 59 of 2021, lodged  
under Section 379 of the Indian Penal Code.

As per the prosecution case, the allegation of theft of  
motorcycle against unknown was made in the F.I.R.

Learned counsel for the petitioner submits that  
petitioner is innocent and has committed no offence. He further  
submits that there is no recovery from the possession of  
petitioner, nor he was put on TIP. He further submits that the

informant himself produced his motorcycle before the Police and he had filed a totally false case against the petitioner. He further submits that petitioner is in custody since 07.02.2022, charge sheet has already been filed having two criminal cases pending against him in which he is on bail. He 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.

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, Khagaria in connection with Khagaria (Chitragupta Nagar) P.S. Case No. 59 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 3 criminal cases pending against the present petitioner in which two cases are related to District and Sessions Judge, Khagaria. The chart of those cases are as follows :-

1. Khagaria (Chitragupta Nagar) P.S. Case No. 821/2020 for offence U/s 379 of IPC.

2. Khagaria (Chitragupta Nagar) P.S. Case No. 59/2021 for offence U/s 379 of IPC. (present one)

The District and Sessions Judge, Khagaria 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, Khagaria for information and necessary compliance.

With this observation, the bail application stands allowed.

**(Dr. Anshuman, J.)**

ritik/-

|   |  |   |  |
|---|--|---|--|
| U |  | T |  |
|---|--|---|--|