

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37689 of 2022

Arising Out of PS. Case No.-172 Year-2021 Thana- HABIBPUR District- Bhagalpur

MD. NISAR S/o Md. Mustakim R/o Mohalla- Rahmat Bagh, P.S.-
Madhusudanpur (Nathnagar), District- Bhagalpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Md. Najmul Hodda, Advocate

For the Opposite Party/s : Mr.Ram Anurag Singh, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN

ORAL ORDER

2 10-10-2022 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
Habibpur P.S. Case No. 172 of 2021 lodged under Section 414
of Indian Penal Code read with sections 25(1-b)a and 26 of the
Arms Act.

As per prosecution, the villagers caught a criminal
and handed over to the police, thereafter the police got two
country made pistol and four live cartridges from the possession
of the petitioner.

Learned counsel for the petitioner submits that
petitioner is in custody since 15.10.2021. He further submits

that charge sheet has already been filed in this case. He also submits that there are 5 criminal cases pending against the petitioner, whose detail has mentioned in paragraph no.3 of the petition. 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 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 A.C.J.M.-VII, Bhagalpur in connection with Habibpur P.S. Case No. 172 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 they 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 6 criminal cases pending against the present petitioner including present one and all the 6 cases belongs to the District Sessions Judge, Bhagalpur, which are as follows :-

1. Sajour P.S. Case No. 216 of 2019,
2. Rajoun P.S. Case No. 407 of 2019,
3. Nathnagar (Madhusudanpur) P.S. Case No. 516 of 2021.
4. Habibpur P.S. Case No. 173 of 2021,
5. Habibpur P.S. Case No. 94 of 2021,
6. Habibpur P.S. Case No. 172 of 2021

Let the District and Sessions Judge, Bhagalpur 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 the cases which are sessions triable after commitment shall run before one session court with one date.

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

With this observation, the bail application stands allowed.

(Dr. Anshuman, J.)

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