

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38897 of 2022

Arising Out of PS. Case No.-490 Year-2021 Thana- JOGAPATTI District- West Champaran

ASHOK TIWARI Son of Late Vishwanath Tiwari, Resident of Village -
Pujahan Patjirwa, P.S.- Srinagar (Pujahan), District - West Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Umesh Chandra Verma, Advocate

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

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 01-11-2022 Let the defect, 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
Trial No. 13 of 2022 arising out of Jogapatti (Shanichari) P.S.
Case No. 490 of 2021 lodged under Sections 399 and 402 of the
I.P.C. read with sections 25(1-B)a, 26 and 35 of the Arms Act
and sections 20, 22, 23, 24, 25, 27A of the Narcotics Drugs and
Psychotropic Substances Act, 1985.

As per the prosecution case, the police has raid and
chased the accused persons who were on three motorcycles, in
result only 3 accused persons were apprehended and this
accused person became successful to fled away from the place

of occurrence. Upon disclosure of the apprehended 3 accused persons, the name of petitioner has figured in this case. The arms and live cartridges were recovered from the possession of the apprehended persons. The petitioner has not apprehended from the place of occurrence.

Learned counsel for the petitioner submits that petitioner is innocent and has committed no offence. He further submits that petitioner has not apprehended from the place of occurrence and his name has figured in this case on the confessional statement of the co-accused. Counsel further submits that petitioner has remanded in this case on 02.02.2022. He further submits that police has intentionally putting his name in different cases including the present one. He further submits that there are in total 9 criminal cases pending against the petitioner and in most of them he is on bail and in rest petitioner is persuading for bail.

Learned counsel for the State opposes the prayer for bail and submits that there are in total 9 criminal cases pending against the present petitioner.

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 Addl. Sessions Judge-III, West Champaran at Bettiah in connection with Trial No. 13 of 2022 arising out of Jogapatti (Shanichari) P.S. Case No. 490 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 10 criminal cases pending against the present petitioner (including present one) and all the 10 cases

belong to the District Sessions Judge, West Champaran at Bettiah or Bagha which are as follows :-

1. Thakraha P.S. Case No. 101 of 2014,
2. Bettiah Town P.S. Case No. 779 of 2015,
3. Srinagar (Pujahan) P.S. Case No. 161 of 2018,
4. Bettiah (Kalibag) P.S. Case No. 461 of 2019,
5. Bettiah Town P.S. Case No. 244 of 2019,
6. Valmikinagar P.S. Case No. 61 of 2020,
7. Bagaha (Bhairoganj) P.S. Case No. 491 of 2020,
8. Bagaha (Bhairoganj) P.S. Case No. 518 of 2021,
9. Jogapatti(Shanichari) P.S. Case No. 700 of 2021,
10. Jogapatti (Shanichari) P.S. Case No. 490 of 2021.

Let the District and Sessions Judge, West Champaran at Bettiah is directed to do the needful, so that pending cases within Bagha/Bettiah jurisdiction, which are magisterial triable or sessions triable prior to commitment shall run before one Magistrate with one date in their respective Sub-Divisional and the cases which are sessions triable after commitment shall run before respective 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, West Champaran at Bettiah for his

perusal and necessary compliance.

With these observations, the bail application stands
allowed.

(Dr. Anshuman, J.)

ravishankar/-

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