

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34830 of 2022

Arising Out of PS. Case No.-13 Year-2022 Thana- MADHWAPUR District- Madhubani

1. Md. Arman S/o Md. Iliyas Resident of Village- Singiyahi, P.S.- Pupari, District- Sitamadhi
2. Gyani Kumar S/o Devan Mukhiya Resident of Village- Singiyahi, P.S.- Pupari, Dist- Sitamadhi

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bhavesh Kumar Sah, Adv.

For the Opposite Party/s : Mr. Syed Mojibur Rahman, 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 petitioners and learned A.P.P. for the State through virtual mode.

The petitioners seek regular bail in connection with Madhwapur P.S. Case No. 13 of 2022 lodged under Sections 379, 413, 414, 34 of the I.P.C.

As per the F.I.R., the petitioners are named accused person from whose possession 2 motorcycles subject to theft are recovered.

Learned counsel for the petitioners submit that petitioners are innocent and have committed no offence. He

submits that for the theft of these 2 motorcycles, there were already 2 criminal cases pending earlier. Only recovery has been made in the present case. He submits that petitioners are in custody since 24.01.2022, charge sheet has already been filed and on the point of criminal antecedent, he submits that for the 2 same motorcycles 2 F.I.Rs. have been lodged and in those cases the name of the petitioners have been figured.

Learned counsel for the State opposes the prayer for bail.

In the present facts and circumstances of this case and the submissions made above, I am not inclined to grant bail to the petitioners due to the recovery made from their possession but liberty is hereby granted to the petitioners to move for bail, 3 months after framing of charge in the present case.

Speedy trial is the constitutional vision of justice. Admittedly, there are in total 3 criminal cases (including the present one) pending against the petitioners and out of 3 cases, 2 cases belongs to the District and Sessions Judge, Madhubani which are as follows:

- i. Saharghat P.S. Case No. 13 of 2022 lodged under Sections 379 and 34 of the I.P.C.
- ii. Madhwapur P.S. Case No. 13 of 2022 lodged

under Sections 379, 413, 414, 34 of the I.P.C.(present case)

Let the District and Session Judge Madhuwani is directed to do the needful so that all the 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, 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 Sessions Judge, Madhubani for information and necessary compliance.

With this observation, the bail application stands rejected.

(Dr. Anshuman, J)

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