

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34715 of 2022

Arising Out of PS. Case No.-101 Year-2021 Thana- MURLIGANJ District- Madhepura

Manish Kumar Son of Radhey Shyam Mandal Resident of Village - Rahua,
Ward No.6, P.s.- Sour Bazar, Distt.- Saharsa.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Uday Chand Prasad, Adv.

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

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 17-09-2022 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
Murliganj P.S. Case No. 101 of 2021 lodged under Section 392
of the I.P.C.

As per the prosecution case, the allegation of robbery
is there against 4 unknown accused persons.

Learned counsel for the petitioner submits that
nothing incriminating has been recovered from the possession of
the petitioner. Petitioner has not been put on T.I.P. He further
submits that petitioner is in custody since 14.07.2021 having 5
criminal cases pending against him. Charge sheet has already

been filed in this case. On the point of his criminal antecedent , learned counsel for the petitioner submits that petitioner is under process of taking bail in most of the cases and he is ready to fulfill all the conditions whatsoever shall be imposed upon him by the Court. Learned counsel for the petitioner further submits that his name has come in this case by virtue of the confessional statement in other cases. He submits that police has taken the name of the present petitioner figured in this case on his own confessional statement. Learned counsel for the petitioner further submits that other 2 accused of this case has been granted bail by the Co-ordinate Bench of this Court vide order dated 29.07.2022, passed in Cr. Misc. No. 23688 of 2022.

Learned counsel for the State opposes the prayer for bail and submits that there are 5 criminal antecedent of the 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 Sri Kumaresh Judicial Magistrate-1st Class, Madhepura in connection with Murliganj P.S. Case No. 101 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 in total 6 criminal cases (including the present one) out of 6 cases, 5 cases are pending against the petitioner which belongs to the District and Sessions Judge, Madhepura which are as follows:

- i. Gwalpara P.S. Case No. 47 of 2021 lodged under Sections 395 and 412 of I.P.C.
- ii. Madhepura P.S. Case No. 239 of 2021 lodged

under Section 392 of I.P.C.

iii. Madhepura P.S. Case No. 23 of 2021 lodged under Sections 392 of I.P.C.

iv. Gwalpara P.S. Case no. 34 of 2021 lodged under Section 392 of I.P.C.

v. Murliganj P.S. Case No. 101 of 2021 lodged under Sections 392 of I.P.C. (present case)

Let the District and Sessions Judge, Madhepura is directed to do the needful so that all the magisterial cases and session triable cases prior to commitment shall run before one Magistrate with one date and 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, Madhepura for perusal and necessary compliance.

With this observation, the bail application stands allowed.

(Dr. Anshuman, J)

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