

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 34546 of 2022

Arising Out of PS. Case No.-234 Year-2021 Thana- DURGAWATI District- Kaimur (Bhabua)

Pankaj Baitha @ Pankaj Kumar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rajani Kant Pandey, Adv.

For the Opposite Party/s : Mr. A.G., APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 16-09-2022 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 through virtual mode.

The petitioner seeks regular bail in connection with
N.D.P.S. Case No. 2 of 2022 arising out of Durgawati P.S. Case
No. 234 of 2021 lodged under Sections 25 (1-b)a/26/35 of the
Arms Act and Section 8(c)/20(b) (ii)(B)/29 N.D.P.S. Act 1985.

As per the prosecution case, the case has been lodged
under section Arms Act and N.D.P.S. Act.

Learned counsel for the petitioner submits that no
arms material has been recovered from the possession of the
petitioner nor any N.D.P.S. material has been recovered. He
further submits that petitioner has not been apprehended from

the place of occurrence. He submits that his name has been figured in this case only by the virtue of confessional statement made by the arrested persons, who are co-accused in this case. He submits that he is in custody since 12.04.2022, charge sheet has already been filed in this case. On the point of his criminal antecedent learned counsel for the petitioner submits that there are in total 11 cases pending against the petitioner and he is on bail in all cases. He further submits that he is ready to fulfill all the conditions whatsoever shall be imposed against him.

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 Court of Sessions Judge cum Special Judge, Kaimur at Bhabua and/or other transferee Court in connection with Durgawati P.S. Case No. 234 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.

With this observation, the bail application stands allowed.

Speedy trial is the constitutional vision of justice. Admittedly, there are in total 12 criminal cases (including the present one) pending against the petitioner which belongs to the District and Session Judge Kaimur (Bhabua) which are as follows:

- i. Durgawati P.S. Case No. 79 of 2008 lodged under Sections 385/379/34 of the I.P.C.
- ii. Durgawati P.S. Case No. 135 of 2008 lodged under Sections 341/323/379/504/34 of the I.P.C.

iii. Durgawati P.S. Case No. 142 of 2012 lodged under Sections 414/34 of the I.P.C.

iv. Durgawati P.S. Case no. 128 of 2013 lodged under Sections 341/323/384/504/506 of the I.P.C.

v. Durgawati P.S. Case No. 194 of 2014 lodged under Sections 448/341/323/386/427/504 of the I.P.C.

vi. Durgawati P.S. Case no. 237 of 2014 lodged under Sections 461/379 of the I.P.C.

vii. Durgawati P.S. Case no. 227 of 2016 lodged under Sections 341/323/354 of the I.P.C.

viii. Durgawati P.S. Case no. 5 of 2010 lodged under Sections 386/34 of the I.P.C.

ix. Durgawati P.S. Case no. 37 of 2010 lodged under Sections 386/34 of the I.P.C.

x. Durgawati P.S. Case no. 22 of 2011 lodged under Sections 392 of the I.P.C.

xi. Durgawati P.S. Case no. 7 of 2020 lodged under Sections 30(a) of Excise Act.

Let the District and Session Judge Kaimur (Bhabua) 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 Session Judge Kaimur (Bhabua) for perusal and
necessary compliance.

(Dr. Anshuman, J.)

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