

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34829 of 2022

Arising Out of PS. Case No.-80 Year-2021 Thana- BHAGALPUR RAIL P.S. District-
Bhagalpur

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Md Lalu @ Samir S/O Md. Hasnain, Resident of Muhalla- Sadruddinchak,
P.S.- Habibpur, District- Bhagalpur.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Diwakar Upadhyaya, Adv.
For the Opposite Party/s : Mr. Ganesh Prasad Singh, APP.

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 19-09-2022 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
Rail Bhagalpur P.S. Case No. 80 of 2021, lodged under Section
394 of the Indian Penal Code.

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

Learned counsel for the petitioner submits that
nothing has been recovered from the possession of petitioner,
nor he was put on TIP. He further submits that name of
petitioner has figured in this case by virtue of confessional

statement of the co-accused. He further submits that petitioner is in custody since 14.07.2021 having 4 criminal cases pending against the petitioner in which he is acquitted in one case and in rest of the cases he is on bail. Learned counsel for the petitioner 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 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 Railway J.M., Bhagalpur or successor Court in connection with Rail Bhagalpur P.S. Case No. 80 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. From the records, it transpires that there are still 4 criminal cases pending against the present petitioner and all belongs to District and Sessions Judge, Bhagalpur. The chart of all those cases are as follows :-

1. Habibpur P.S. Case No.53/2012 U/s 392 of I.P.C.
2. Habibpur P.S. Case No.15/2015 U/s 392 of I.P.C.
3. Habibpur P.S. Case No.36/2016 U/s 302, 34 of I.P.C. read with Section 27 of Arms Act.
4. Rail Bhagalpur P.S. Case No.80/2021 U/s 394 of I.P.C.

The District and Sessions Judge, Bhagalpur is directed to do the needful so that all 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 shall run before one Sessions Court with same date.

Let a copy of this order is communicated to District and Sessions Judge, Bhagalpur for information and necessary compliance.

With this observation, the bail application stands allowed.

(Dr. Anshuman, J.)

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