

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34996 of 2022

Arising Out of PS. Case No.-138 Year-2021 Thana- BIHARIGANJ District- Madhepura

1. Md. Jubair Son Of Late Md. Imamul R/O Village- Fulkaha, Ward No.-21, P.S.- Jadiya, District- Supaul
2. Md. Shakil Son Of Md. Hasan R/O Village- Narpatganj, Ward No.-14, P.S.- Narpatganj, District- Araria

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Anil Prasad Singh, Adv.

For the Opposite Party/s : Mr. Anuj Kumar Shrivastava, 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 video conferencing.

The petitioners seek regular bail in connection with Bihariganj P.S. Case No. 138 of 2021 lodged under Section 394 of the I.P.C. read with Section 27 of the Arms Act.

As per the prosecution case, the F.I.R. has been lodged against 4 unknown criminals who came from 2 Pulsor motorcycle and committed robbery against the informant by taking his bag, documents, mobile and motorcycle with key.

Learned counsel for the petitioners submit that

petitioners are innocent and has committed no offence. He further submits that they are not named in the F.I.R. Nothing incriminating from their possession nor they were put on T.I.P. On the point of their antecedent, learned counsel submits that there are total 5 criminal cases pending against them, out of 5 in 4 cases they are on bail and 5th case is persuading bail. Learned counsel further submits that petitioners are in custody since 02.11.2021, charge sheet has already been filed in this case. They are 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 petitioners above named, be granted bail on furnishing bail bonds of Rs.30,000/- (Rupees Thirty thousand) each with two sureties of the like amount each to the satisfaction of learned J.M. 1st Class, Udakishanganj in connection with Bihariganj P.S. Case No. 138 of 2021, subject to the conditions as laid down under Section 437(3) of Cr.P.C. with other following conditions:

A. The petitioners 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 petitioners.

C. The petitioners 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) pending against the petitioners which belongs to the District and Session Judge Madhepura which are as follows:

- i. Raghapur P.S. Case No. 209 of 2021 lodged under Sections 25(1-b)a/26/35 of the Arms Act.
- ii. Bhimpur P.S. Case No. 65 of 2016 lodged under Section 392 of the I.P.C.
- iii. Chhatarpur P.S. Case No. 270 of 2021 lodged under Section 392
- iv. Bhaptiyah P.S. Case no. 84 of 2021 lodged under

Section 392 of the I.P.C.

v. Bhaptiyahi P.S. Case No. 56 of 2021 lodged under
Section 394.

vi. Bihariganj P.S. Case No. 138 of 2021 lodged
under Section 394 of the I.P.C. read with Section 27
of the Arms Act. (present case)

Let the District and Session Judge Madhepura is
directed to do the needful so that all the magisterial triable 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 Session Judge Madhepura for perusal and necessary
compliance.

With this observation, the bail application stands
allowed.

(Dr. Anshuman, J)

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