

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34542 of 2022

Arising Out of PS. Case No.-44 Year-2022 Thana- GARDANIBAG District- Patna

MANISH KUMAR S/o Sri subhash Pandit Resident of Balmi Chak, P.S.-
Phulwarisharif, District- Patna.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Kumar Rajeev, Adv.

For the Opposite Party/s : Mr.Sucheta Yadav, 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
Gardanibagh P.S. Case No. 44 of 2022 lodged under Sections
461, 379 of the I.P.C.

As per the prosecution story, the allegation of theft
against 4 unknown persons is there in the F.I.R.

Learned counsel for the petitioner submits that
petitioner is innocent and has committed no offence. He further
submits that nothing incriminating has been recovered from
petitioner's possession. He was not put on T.I.P. Learned
counsel submits that petitioner is in custody since 05.04.2022,

charge sheet has already been filed in this case. On his criminal antecedent, learned counsel submits that there are 2 criminal antecedent pending against the petitioner and he is on bail in 3 criminal cases.

He is ready to fulfill all the conditions whatsoever shall be imposed upon 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 A.C.J.M. XIV, Patna in connection with Gardanibagh P.S. Case No. 44 of 2022, 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 5 criminal cases (including the present one) pending against the petitioner, which belongs to the District and Session Judge Gardanibagh which are as follows:

- i. Gardanibagh P.S. Case No. 103 of 2022 lodged under Sections 414/34 of I.P.C.
- ii. Gardanibagh P.S. Case No. 104 of 2020 lodged under Sections 380, 457, 511 of I.P.C.
- iii. Gardanibagh P.S. Case No. 366 of 2020 lodged under Sections 457, 380, 511 of I.P.C.
- iv. Sachivalaya P.S. Case no. 307 of 2019 lodged under Sections 414 of I.P.C.

Admittedly all the cases are related to District and

Sessions Judge of Patna. Let the District and Session Judge Patna 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 Patna for perusal and necessary compliance.

(Dr. Anshuman, J.)

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