

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35732 of 2022

Arising Out of PS. Case No.-253 Year-2021 Thana- KHAJANCHI HAT District- Purnia

RAKESH YADAV S/o Gandhari Yadav R/o village- Maranga, P.S.- K.Hat
(Maranga), District- Purnia

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bhola Prasad, Advocate

For the Opposite Party/s : Mr. Ajay Kumar No.2, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN

ORAL ORDER

3 19-10-2022 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
Sessions Trial No. 39 of 2022 arising out of K. Hat (Maranga)
P.S. Case No. 253 of 2021 lodged under Sections 302, 201 and
120(B)/34 of the Indian Penal Code.

As per prosecution, on 18.03.2021 at about 3 am dead
body of informant's son was recovered near NH-31. He has seen
that there was neither his bike nor his mobile nor his purse nor
his shoes. It has also been seen by the informant that the attack
was made by sharp knife in the stomach of his son and there
was a sign to make strangulation, by which it transpires to the

informant that his son was killed. It has been mentioned in the F.I.R. that informant reached to meet Vikash Yadav @ Mantu Yadav then he got information that accused Niraj Kumar Thakur was with his son since 3 am, thereafter Niraj Kumar Thakur has accepted that his son has kept Helmet at his house in the evening of 6pm, with this allegation the F.I.R. has been lodged.

Learned counsel for the petitioner submits that petitioner is not named in the F.I.R. and his name has figured only and only in this case due to the reason that all the four persons are friends. He also submits that the police has taken material from the mouth of the accused Niraj Kumar Thakur about involvement of the petitioner in the commission of the crime. Learned counsel further submits that petitioner is in custody since 19.10.2021 and he has having 4 criminal antecedents and he is on bail in 3 cases and persuading for bail in one case. Learned counsel also submits that charge sheet has already been filed in this case. Learned counsel also submits that co-accused, namely, Vikash Yadav and Jitu Sharma have already been granted bail by the co-ordinate Bench of this Court vide orders dated 16.08.2022 and 05.07.2022 passed in Cr. Misc. Nos.25785 of 2022 and 53898 of 2021 respectively.

Learned counsel for the State opposes the prayer for

bail and submits that the name of the petitioner has figured in the case diary though there is no conclusiveness but there is suspicion raised from every corner about involvement of the present petitioner.

In the present facts and circumstances of the 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 Addl. Sessions Judge-V, Purnea in connection with Sessions Trial No. 39 of 2022 arising out of K. Hat (Maranga) P.S. Case No. 253 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 an 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 5 criminal cases pending against the present petitioner (including present one) in which 4 cases belong to the District Sessions Judge, Purnea which are as follows :-

1. K. Hat P.S. Case No. 271 of 2015,
2. K. Hat P.S. Case No. 450 of 2012,
3. K. Hat P.S. Case No. 391 of 2019,
4. K. Hat (Maranga) P.S. Case No. 253 of 2021

Let the District and Sessions Judge, Purnea is directed to do the needful, so that all the cases which are magisterial triable or sessions triable prior commitment shall run before one Magistrate with one date and the cases which are sessions triable after commitment shall run before one session court with one date and special cases, if any, shall run before the Special Court with one date.

Let the copy of this order be communicated to the District and Sessions Judge, Purnea for his perusal and

necessary compliance.

With these observations, the bail application stands
allowed.

(Dr. Anshuman, J.)

ravishankar/-

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