

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35253 of 2022

Arising Out of PS. Case No.-89 Year-2021 Thana- CHANPATIA District- West Champaran

Imtiaz Alam Son of Late Salim Mian Resident of Village - Mahnakuli, P.s.-
Chanpatia, District - West Champaran.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Gauri Shankar Gupta, 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 petitioner and learned
A.P.P. for the State through video conferencing.

The petitioner seeks regular bail in connection with
Chanpatiya (Kumarbagh O.P.) P.S. Case No. 89 of 2021 lodged
under Section 379 of the I.P.C.

As per the prosecution case, the F.I.R. has been
lodged against unknown person for theft of motorcycle.

Learned counsel for the petitioner submits that
petitioner is innocent and has committed no offence. He submits
that nothing has been recovered from the possession of the
petitioner nor the petitioner has been put on T.I.P. He further and
specifically submits in paragraph 4 of the petition that he has

been arrested in one case and thereafter in all the cases he has been remanded. In the present case also he has been remanded. He submits that he is in custody since 27.02.2021 but remanded in the present case on 07.07.2021 only. He further submits that there are in total 5 cases pending against him and all cases belongs to West Champaran at Bettiah.

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 C.J.M. Bettiah, West Champaran in connection with Chanpatiya (Kumarbaghh O.P.) P.S. Case No. 89 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. It transpires from the record of the case that there are in total 6 criminal cases (including the present one) pending against the petitioner which belongs to the District and Session Judge West Champaran at Bettiah which are as follows:

- i. Bettiah Town (Kalibaghh O.P.) P.S. Case No. 137 of 2021 lodged under Sections 413, 414 of the I.P.C. read with Sections 25(1-B)a, 26/35 of Arms Act.
- ii. Chanpatia (Kumarbagh O.P.) P.S. Case No. 113 of 2021 lodged under Section 394 of the I.P.C.
- iii. Bettiah Mufassil P.S. Case No. 83 of 2021 lodged under Section 394
- iv. Shikarpur P.S. Case no. 85 of 2021 lodged under Section 392 of the I.P.C.
- v. Chanpatia (Kumarbagh O.P.) P.S. Case No. 121 of

2021 lodged under Sections 25(1-b)a, 26/35 of Arms Act.

vi. Chanpatiya (Kumarbagh O.P.) P.S. Case No. 89 of 2021 lodged under Section 379 of the I.P.C. (present case).

Let the District and Session Judge West Champaran at Bettiah 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 West Champaran at Bettiah for perusal and necessary compliance.

With this observation, the bail application stands allowed.

(Dr. Anshuman, J)

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