

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34805 of 2022

Arising Out of PS. Case No.-340 Year-2021 Thana- SONBERSA District- Sitamarhi

1. Bhola Sah @ Sambhu Sah S/o Late Yugal Sah Resident of Village - Basatpur, Ward No. 7 Police Station - Srinagar, District- Sarlahi (Nepal).
2. Sachindra Kumar Yadav S/o Phakira yadav Resident of Village - Basatpur, Ward No. 8 Police Station - Srinagar, District- Sarlahi (Nepal).

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Madhubala Verma, Adv.

For the Opposite Party/s : Mr. Ajit Kumar, 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 virtual mode.

The petitioners seek regular bail in connection with Sonbarsa P.S. Case No. 340 of 2021 lodged under Sections 395, 397 of the I.P.C.

As per the prosecution case, the F.I.R. has been lodged against 25-30 unknown persons. The allegation of *dacoity* is there in the F.I.R.

Learned counsel for the petitioners submits that the petitioners are innocent and have committed no offence. He

further submits that nothing incriminating recovered from their possession. He also submits that he was not put on T.I.P. Learned counsel for the petitioner further submits that petitioners are in custody since 19.04.2022. On the point of criminal antecedent, learned counsel for the petitioner submits that the petitioners were remanded in the present case. He categorically stated in paragraph 9 of the petition that they were arrested only in one case that is Sonbarsa P.S. Case No. 561 of 2021 thereafter, in all cases he was taken by police on remand. He further submits that presently there are 7 criminal cases pending against them and they are ready to fulfill all the conditions whatsoever shall be imposed upon them 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 Chief Judicial Magistrate Sitamarhi in connection with Sonbarsa P.S. Case No. 340 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 8 criminal cases (including the present one) pending against the petitioner which belongs to the District and Sessions Judge, Sitamarhi which are as follows:

1. Sursand P.S. Case No. 561 of 2021 lodged under Sections 399, 402, 414 of I.P.C. and 25(1-B)a/26/35 Arms Act read with Section 8/20(b)(ii) (c)/22 N.D.P.S. Act.

2. Sursand P.S. Case No. 522 of 2021 lodged under Sections 395, 397 of I.P.C and 314 Explosive substance.

3. Bela P.S. Case No. 194 of 2021 lodged under Sections 395 of I.P.C.

4. Bela P.S. Case no. 186 of 2021 lodged under Sections 457 and 380 of I.P.C.

5. Bela P.S. Case No. 225 of 2021 lodged under Sections 395, 397 of I.P.C. and 27 of the Arms Act and 3/4 Explosive substance.

6. Sonbarsa P.S. Case no. 357 of 2021 lodged under Sections 324 and 307 of I.P.C.

7. Kanhauli P.S. Case No. 146 of 2021 lodged under Sections 395 of I.P.C.

8. Sonbarsa P.S. Case No. 340 of 2021 lodged under Sections 395.397 of I.P.C.(present case)

Let the District and Sessions Judge, Sitamarhi 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 the sessions triable cases after commitment shall run before one Session Court with one date.

Let the copy of this order is communicated to the District and Sessions Judge, Sitamarhi for perusal and necessary compliance.

With this observation, the bail application stands allowed.

(Dr. Anshuman, J)

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