

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35254 of 2022

Arising Out of PS. Case No.-23 Year-2022 Thana- BARAUNI District- Begusarai

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Bechan Mahto S/O Ram Bilash Mahto Resident Of Village- Simariyaghat
Lawki Bind Toli, P.S.- Barauni (CHAKIYA), Distt- Begusarai.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Randhir Kumar No.1, Adv.

For the Opposite Party/s : Mr. Md. Aslam Ansari, APP

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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
Barauni P.S. Case No. 23 of 2022 lodged under Sections 395,
397, 412 of the I.P.C.

As per the F.I.R., the allegation of dacoity is there
against 4 unknown criminals.

Learned counsel for the petitioner submits that
petitioner is not named in the F.I.R., his name has figured on the
confessional statement of the co-accused. He further submits
that from the F.I.R., it transpires that all the alleged criminals are
aged about 20-25 years, where the age of the present petitioner

is 31 years. He further submits that nothing incriminating from the possession of the petitioner, nor he was put on T.I.P. He submits that petitioner is in custody since 31.01.2022, charge sheet has already been filed in this case. On the point of his criminal antecedent, learned counsel for the petitioner submits that there are in total 5 criminal cases pending against him and he is on bail in 4 cases. He further submits that he is 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 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. Begusarai in connection with Barauni P.S. Case No. 23 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.

Speedy trial is the constitutional vision of justice. Admittedly, there are in total 6 criminal cases (including the present one) pending against the petitioner which belongs to the District and Session Judge Begusarai which are as follows:

- i. Muffasil P.S. Case No. 360 of 2016 lodged under Section 380 of the I.P.C.
- ii. Nagar P.S. Case No. 375 of 2016 lodged under Section 379 of the I.P.C.
- iii. Nagar P.S. Case No. 375 of 2016 lodged under Section 379 of the I.P.C.
- iv. Barauni P.S. Case no. 466 of 2017 lodged under Section 395 of the I.P.C.

v. Muffasil P.S. Case No. 652 of 2021 lodged under
Section 392 of the I.P.C.

vi. Barauni P.S. Case No. 23 of 2022 lodged under
Sections 395, 397, 412 of the I.P.C. (present case).

Let the District and Session Judge Begusarai 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 Begusarai for perusal and necessary
compliance.

With this observation, the bail application stands
allowed.

(Dr. Anshuman, J)

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