

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34785 of 2022

Arising Out of PS. Case No.-470 Year-2021 Thana- HARNAUT District- Nalanda

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Gautam Kumar @ Lallu Son of Ashok Kumar Yadav Resident of Village -
Kharuara, P.O.- Chero, P.S.- Harnaut (O.P.- Chero), Dist.- Nalanda at Bihar
Sharif.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sanjay Kumar Pandey, Adv.

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

The petitioner seeks regular bail in connection with
Harnaut(Chero) P.S. Case No. 470 of 2021 lodged under
Sections 25 (1-b) a, 26 and 35 of the Arms Act.

As per the prosecution upon police raid, the petitioner
was apprehended by the police at the place of occurrence and
one country made pistol with 12 live catridges were recovered
from his possession.

Learned counsel for the petitioner submits that due to
village politics, the present case has been filed and pistol and
live catridges has been implanted. He has been falsely

implicated in this case. He further submits that petitioner is in custody since 10.10.2021, charge sheet has already been filed. On the point of his criminal antecedent, learned counsel for the petitioner submits that there are in total 6 criminal cases pending against him and in all cases petitioner is on bail. 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 Chief Judicial Magistrate Nalanda at Bihar Sharif in connection with Harnaut P.S. Case No. 470 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. Admittedly, there are in total 7 criminal cases (including the present one) pending against the petitioner which belongs to the District and Session Judge Nalanda which are as follows:

- i. Harnaut(Chero) P.S. Case No. 272 of 2016 lodged under Sections 147, 148, 149, 323, 307, 504 and 506 of the I.P.C. read with Section 27 of the Arms Act.
- ii. Harnaut(Chero) P.S. Case No. 72 of 2017 lodged under Sectionx 147, 148, 149, 341, 323, 379 and 504 of the I.P.C.
- iii. Harnaut(Chero) P.S. Case No. 312 of 2017 lodged under Sections 147,148,149,353, 307 and 504 of the I.P.C. read with Section 27 of the Arms Act.
- iv. Harnaut(Chero) P.S. Case no. 01 of 2019 lodged under Sections 147, 149, 341, 323, 504 and 353 of the I.P.C.
- v. Harnaut(Chero) P.S. Case No. 310 of 2019 lodged

under Sections 341, 323, 504 and 506 of the I.P.C
read with Section 27 of the Arms Act.

vi. Harnaut(Chero) P.S. Case no. 131 of 2020 lodged
under Sections 341, 323, 354, 504, 506 and 34 of the
I.P.C.

vii. Harnaut(Chero) P.S. Case No. 470 of 2021
lodged under Sections 25(1-b) a, 26 and 35 of the
Arms Act. (present case)

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

With this observation, the bail application stands
allowed.

(Dr. Anshuman, J)

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