

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36064 of 2022

Arising Out of PS. Case No.-503 Year-2021 Thana- SIKARPUR District- West Champaran

Banka Yadav Son Of Late Mahanth Yadav R/O- Sukhvan, P.S.- Bagaha
Patkhauli Dist.- West Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Raj Kishore Singh, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN

ORAL ORDER

2 20-09-2022 Let the defect, 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
Shikarpur P.S. Case No. 503 of 2021 lodged under Sections 379,
420, 34 of the I.P.C.

As per the prosecution case, two unknown persons
met with the informant at medicine shop and called him to come
to Najir Babu to receive amount from him, when he reached
near the bridge, the said accused persons snatched Rs/- 47,000/-
from the informant, this is the allegation. On the basis of which
the case has been lodged against 2 unknown persons.

Learned counsel for the petitioner submits that

nothing incriminating has been recovered from the petitioner's possession.

Learned counsel for the petitioner further submits that he was not put on T.I.P. and the petitioner is in custody since 23.04.2022 having two criminal cases pending against him. The petitioner is on bail in one case and for another case, he is persuading bail. Learned counsel for the petitioner further submits that he ready to fulfill all the conditions whatsoever shall be imposed upon him. Learned counsel further submits that one co-accuse of this case had been granted bail vide order dated 18.08.2022 passed in Cr. Misc. No. 26431 of 2022.

Learned counsel for the State opposes the prayer for bail and submits that there are 2 criminal antecedent of the petitioner.

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 Shikarpur P.S. Case No. 503 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 3 criminal cases (including the present one) pending against the petitioner which belongs to the District and Session Judge West Champaran which are as follows:

- i. Chanpatiya P.S. Case No. 5 of 2022
- ii. Chanpatiya P.S. Case No. 3 of 2022
- iii. Shikarpur P.S. Case No. 503 of 2021

Let the District and Session Judge Bettiah, West

Champaran 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 Bettiah, West Champaran for perusal and necessary compliance.

With this observation, the bail application stands allowed.

(Dr. Anshuman, J.)

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