

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35911 of 2022

Arising Out of PS. Case No.-115 Year-2021 Thana- RANIGANJ District- Araria

Mithlesh Kumar @ Mithilesh Yadav @ Mithu @ Mitthu Yadav Son of Jagat Narayan Yadav R/o village - Gharbandha, Bagulaha, P.S.- Raniganj, District - Araria.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Kundan Kumar Singh, Adv.

For the Opposite Party/s : Mr. Narsingh Tanti, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 19-09-2022 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.

The petitioner seeks regular bail in connection with Raniganj P.S. Case No. 115 of 2021 lodged under Sections 392 of the I.P.C.

As per the prosecution case, the present F.I.R. has been lodged against 4 unknown persons. The allegation of robbery is there.

Learned counsel for the petitioner submits that nothing incriminating recovered against the petitioner. He was not put on T.I.P. Learned counsel for the petitioner submits that petitioner is in custody since 14.02.2022, charge sheet has

already been filed in this case. He further submits that there are 7 antecedents of the petitioner and all antecedents are related to Araria.

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 ACJM-VI, Araria in connection with Raniganj P.S. Case No. 115 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 8 criminal cases (including the present one) pending against the petitioner which belongs to the District and Sessions Judge, Araria which are as follows:

- i. Raniganj P.S. Case No. 130 of 2021 lodged under Section 392 of the I.P.C.
- ii. Raniganj P.S. Case No. 121 of 2021 lodged under Section 394 of the I.P.C read with Section 27 of the Arms Act.
- iii. Raniganj P.S. Case No. 135 of 2021 lodged under Section 307 of the I.P.C read with Section 27 of the Arms Act.
- iv. Raniganj P.S. Case no. 153 of 2021 lodged under Sections 392 of the I.P.C.
- v. Raniganj P.S. Case No. 235 of 2021 lodged under Sectionx 392 of the I.P.C
- vi. Raniganj P.S. Case No. 328 of 2021 lodged under Sections 392 of the I.P.C.

vii. Raniganj P.S. Case no. 492 of 2020 lodged under Sections 392 of the I.P.C.

viii. Raniganj P.S. Case No. 115 of 2021 lodged under Sections 392 of the I.P.C (present case).

Let the District and Sessions Judge, Araria 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 Sessions Judge, Araria for perusal and necessary compliance.

With this observation, the bail application stands allowed.

(Dr. Anshuman, J)

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