

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35971 of 2022

Arising Out of PS. Case No.-184 Year-2020 Thana- GOPALPUR District- West Champaran

Arvind Kumar Mishra @ Arvind Kumar Son Of Narad Mishra R/O- Vill-
Panditpur, P.S.- Paharpur, Dist.- East Champaran

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sanjeev Kumar Shrivastava, Adv.

For the Opposite Party/s : Mr. Abhay Kumar Roy, 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
Gopalpur P.S. Case No. 184 of 2020 lodged under Sections 406/
420/ 379 of the I.P.C.

As per the prosecution case, a direct allegation is there
one named accused in the F.I.R. The petitioner is not named in
the F.I.R. The allegation of theft of tractor loaded with sand is
there in the F.I.R.

Learned counsel for the petitioner submits that
petitioner is not named in the F.I.R., his name has come in the
confessional statement of the co-accused. Learned counsel for

the petitioner submits that he has been remanded in the present case. He also submits that his 4 antecedent has been shown but in all cases he was remanded. He further submits that custody since 06.04.2022, charge sheet has already been filed. Learned counsel for the petitioner further submits that 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 Addl. District and Sessions Judge-Vth, Bettiah, West Champaran in connection with Gopalpur P.S. Case No. 184 of 2020, 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 5 criminal cases (including the present one) pending against the petitioner which belongs to the District and Sessions Judge, West Champaran, Bettiah which are as follows:

- i. Gopalpur P.S. Case No. 189 of 2020 lodged under Section 395 of the I.P.C.
- ii. Bettiah(M) Banu Chhapar P.S. Case No. 721 of 2020 lodged under Section 394 of the I.P.C.
- iii. Paharpur P.S. Case No. 58 of 2019 lodged under Sections 147/ 148/ 149/ 341/ 323/ 307/ 504 of the I.P.C.
- iv. Gopalpur P.S. Case no. 194 of 2020 lodged under Sections 399/ 402/ 412 of the I.P.C. read with Section 25(1-b)a/ 26/ 35 of the Arms Act.

v. Gopalpur P.S. Case No. 184 of 2020 lodged under
Sections 406/ 420/ 379 of the I.P.C. (present case)

Let the District and Sessions Judge, West Champaran,
Bettiah is directed to do the needful so that all the magisterial
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 Sessions Judge, West Champaran, Bettiah for
perusal and necessary compliance.

With this observation, the bail application stands
allowed.

(Dr. Anshuman, J)

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