

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36643 of 2022

Arising Out of PS. Case No.-340 Year-2021 Thana- SONBERSA District- Sitamarhi

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Pramod Kumar Shah @ Doctor Saheb Son Of Bhikhari Shah R/O- Vill- Shiv
Nagar, Ward No. 1, P.S.- Bela, Dist.- Sitamarhi

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Virendra Kumar, Adv.

For the Opposite Party/s : Mr. Shailendra Kumar Singh, APP

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 20-09-2022 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
Sonbarsa P.S. Case No. 340 of 2021 lodged under Sections
395/397 of the I.P.C. read with Section 27 of the Arms Act.

As per the prosecution case, the allegation of robbery/
dacoity is there in the F.I.R. against 25-30 unknown accused
persons.

Learned counsel for the petitioner submits that his
name has figured in this case by virtue of making remand him.
He further submits that he is in custody since 19.04.2022. On
his criminal antecedent he submits that there is 7 cases pending

against him and he is persuading for bail in all cases. He further submits that initially his name has come only in one case but subsequently he has been remanded in all cases. Learned counsel for the petitioner further submits that he is ready to fulfill all the conditions whatsoever shall be imposed upon him. He submits that neither was recovered from his possession nor he was put on T.I.P.

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, Sitamarhi in connection with Sonbarsa P.S. Case No. 340 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, Sitamarhi which are as follows:

- i. Bela P.S. Case No. 186 of 2021 lodged under Sections 457/380 of the I.P.C.
- ii. Bela P.S. Case No. 194 of 2021 lodged under Section 395 of the I.P.C.
- iii. Bela P.S. Case No. 225 of 2021 lodged under Sections 395/397 of the I.P.C. read with Section 27 of the Arms Act. And Section 3/4 of the Explosive Substance Act.
- iv. Sursand P.S. Case no. 561 of 2021 lodged under Sections 399, 402, 414 of the I.P.C. and 25(1-

b)a/26/35 of the Arms Act and Sections 8/20(b)(ii)(c)
/22 of NDPS Act.

v. Sonbarsa P.S. Case No. 357 of 2021 lodged under
Sections 324/307 of the I.P.C. and Section 3/4 of the
Explosive Substance Act.

vi. Kanhauli P.S. Case No. 146 of 2021 lodged under
Section 395 of the I.P.C.

vii. Sursand P.S. Case No. 522 of 2021 lodged under
Sections 395/397 of the I.P.C. and Section 3/4 of the
Explosive Substance Act.

viii. Sonbarsa P.S. Case No. 340 of 2021 lodged
under Sections 395/397 of the I.P.C. and 27 of the
Arms Act. (present case)

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

With this observation, the bail application stands
allowed.

(Dr. Anshuman, J)

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