

IN THE HIGH COURT OF JUDICATURE AT PATNA

CRIMINAL MISCELLANEOUS No.36710 of 2022

Arising Out of PS. Case No.-202 Year-2021 Thana- MAJHAULIA District- West Champaran

Brij Kishor Shrivastav @ Brijesh Kishor Shrivastav @ Chunnu Shrivastaw
Son of Late Satyadev Prasad R/o- Vill- Majhariya Shekh, P.S.-Majhauriya,
Dist.- West Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Brij Kishor Mishra, Adv.

For the Opposite Party/s : Mr. Jagdhar Prasad, APP.

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN

ORAL ORDER

2 21-09-2022 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
Majhauriya P.S. Case No. 202 of 2021, lodged under Sections
406, 420, 467, 34 of the Indian Penal Code.

As per the prosecution case, the informant has alleged
that in the name of providing service accused persons have
taken Rs.3,00,000/- from the informant, prior to payment of
money it is the petitioner with whom the informant has verified
who has assured that he is taking guarantee and in this way he
has committed fraud with the informant.

Learned counsel for the petitioner submits that
petitioner is innocent and has committed no offence. He further
submits that petitioner has not taken money from the informant.
He also submits that the present case does not constitute any

offence of breach of trust. He further submits that petitioner is in custody since 08.07.2021 and charge sheet has already been filed in this case. On the point of criminal antecedent, learned counsel for the petitioner submits that there are 2 criminal case pending against the petitioner and in one he is on bail and in another he is persuading for bail.

Learned counsel for the State opposes the prayer for bail.

Learned counsel for the informant vehemently opposes the prayer for bail and submits that the payment has been made in the presence of petitioner and upon his assurance and guarantee, in this regard he has categorically made statement in the petition also.

In the present facts and circumstances of this case and the submissions made above, I am not inclined to grant bail to the petitioner at present. He may renew his prayer for bail after one year of framing of charge.

Speedy trial is the constitutional vision of justice. Admittedly, there are 3 criminal cases pending against the present petitioner and all belongs to same police station lies within the territorial jurisdiction of District and Sessions Judge, West Champaran at Bettiah. The details of all those cases are as

follows :-

1. Majhauriya P.S. case No. 21/2020 U/s 420, 406 of IPC.
2. Majhauriya P.S. case No. 429/2019 under S.C./S.T. Act.
3. Majhauriya P.S. case No. 202/2021 U/s 406, 420, 467, 34 of IPC.

The District and Sessions Judge, West Champaran at Bettiah is directed to do the needful so that all magisterial triable cases or sessions triable cases prior to commitment shall run before one Magistrate with one date and all sessions triable cases after commitment shall run before one Sessions Court with one date and special cases, if any, shall run before Special Court.

Let a copy of this order is communicated to District and Sessions Judge, West Champaran at Bettiah for information and necessary compliance.

With this observation, the bail application stands rejected.

(Dr. Anshuman, J.)

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