

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35851 of 2022

Arising Out of PS. Case No.-344 Year-2021 Thana- NAWADA MUFFASIL District- Nawada

Arun Kumar @ Arun Kumar Vishwakarma S/O Ram Bilas Mistry Resident of
village- Mastanganj, P.S.- Akbarpur, District- Nawada

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Jitendra Narain Sinha, Adv.

For the Opposite Party/s : Mr. Anand Mohan Prasad Mehta, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 19-09-2022 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
Nawada Muffasil P.S. Case No. 344 of 2021 lodged under
Sections 341, 384, 353, 307, 379, 411/34 of the I.P.C.

As per the prosecution case, the truck on which stone
chips were loaded by which the loss of Rs. 2,85,200 was alleged
against the Government is there in the F.I.R.

Learned counsel for the petitioner submits that the
owner of the truck has already deposited Rs. 2,85,200 in this
case before the Government Treasury and on the basis of which
the said truck was released. Learned counsel for the petitioner

submits that other co-accused persons have been granted bail on this ground that the said recoverable amount was already deposited in the Government Treasury. One of such order is Annexure-2 that is order dated 17.05.2022 passed in Cr. Misc. No. 15807 of 2022. Learned counsel for the petitioner further submits that petitioner is the associate of truck owner.

Learned counsel for the petitioner submits that petitioner is in custody since 23.04.2022, having in total 6 cases against him in which he has been acquitted in one case only and there is 5 cases pending against him. Charge sheet has already been filed in this case.

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, Nawada in connection with Nawada Muffasil P.S. Case No. 344 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 6 criminal cases (including the present one) pending against the petitioner which belongs to the District and Session Judge, Nawada which are as follows:

- i. Akbarpur P.S. Case No. 62 of 2013 lodged under Sections 147, 148, 149, 354, 307, 435, 427, 452 of the I.P.C. read with Section 27 of the Arms Act.
- ii. Akbarpur P.S. Case No. 90 of 2014 lodged under Sections 365/120B of the I.P.C.
- iii. Akbarpur P.S. Case No. 189 of 2014 lodged under Sections 379, 411, 414 of the I.P.C.
- iv. Rajauli P.S. Case no. 264 of 2021 lodged under Sections 143, 341, 323, 353, 379, 504/34 of the I.P.C.

v. Nawada Muffasil P.S. Case No. 345 of 2021
lodged under Sections 147, 148, 341, 323, 504, 506,
386, 379 of the I.P.C.

vi. Nawada Muffasil P.S. Case No. 344 of 2021
lodged under Sections 341, 384, 353, 307, 379,
411/34 of the I.P.C. (present case).

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

With this observation, the bail application stands
allowed.

(Dr. Anshuman, J)

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