

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37379 of 2022

Arising Out of PS. Case No.-271 Year-2021 Thana- MOTIHARI MUFASIL District- East
Champaran

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Shivam Sahani Son of Krishna Sahani Resident of village - Bhataha, P.S.-
Muffasil, Motihari, District - East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

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

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

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN

ORAL ORDER

2 22-09-2022 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
Motihari Muffasil P.S. Case No. 271 of 2021 lodged under
Sections 341, 342, 324, 307/34 of the I.P.C. read with Section
27 of the Arms Act.

As per the prosecution case, the F.I.R. has been
lodged against 3 unknown criminals who reached at the door of
the informant and fired on the brother of the informant. Upon
injury, he was admitted to hospital.

Learned counsel for the petitioner submits that

petitioner is not named in the F.I.R. He submits that his name has figured in this case by virtue of the confessional statement of the co-accused. He submits that nothing was recovered from his possession nor he was put on T.I.P. He further submits that he is in custody since 29.11.2021. There are 2 criminal cases pending against him in which he is on bail.

Learned counsel for the petitioner further submits that charge sheet has already been filed in this case and 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 Court of C.J.M. East Champaran, Motihari in connection with Muffasil P.S. Case No. 271 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 3 criminal cases (including the present one) pending against the petitioner which belongs to the District and Sessions Judge, East Champaran at Motihari which are as follows:

- i. Muffasil P.S. Case No. 278 of 2021 lodged under Sections 414, 420, 467, 471 and 120B of the I.P.C.
- ii. Pipra P.S. Case No. 83 of 2020 lodged under Sections 414, 319, 402, 120B of the I.P.C.
- iii. Motihari Muffasil P.S. Case No. 271 of 2021 lodged under Sections 341, 342, 324, 307/34 of the

I.P.C. read with Section 27 of the Arms Act.(present case)

Let the District and Sessions Judge, East Champaran at Motihari is directed to do the needful so that all the 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 Session Court with one date.

Let the copy of this order is communicated to the District and Sessions Judge, East Champaran at Motihari for perusal and necessary compliance.

With this observation, the bail application stands allowed.

(Dr. Anshuman, J)

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