

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36308 of 2022

Arising Out of PS. Case No.-13 Year-2021 Thana- SAUR BAZAR District- Saharsa

Md Altaf @ Md Altam @ Md Altabh Son of Md. Harun, R/o-Saharsa Basti,
P.S.- Saharsa, Dist.- Saharsa

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Pramod Mishra, Adv.

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

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
S.T. No. 166 of 2021 arising out of Sour Bazar P.S. Case No. 13
of 2021, lodged under Section 307/34 of the Indian Penal Code
read with Section 27 of Arms Act.

As per the prosecution case, the allegation against the
two named accused persons and others are there in the F.I.R. It
has been alleged that the right eye of brother of informant is
injured. It has been stated by the informant that on 06.01.2021
the two named accused have called the younger brother of the
informant for taking photograph and called him on second

floor of building and then both fired on the informant's younger brother.

Learned counsel for the petitioner submits that petitioner is innocent and has committed no offence. He further submits that petitioner is in custody since 08.03.2021, charge sheet has already been filed as well as charge was also framed. On the point of criminal antecedent, learned counsel for the petitioner submits that there are 4 criminal antecedents of petitioner in which he is on bail. He further submits that petitioner is ready to fulfill all the conditions whatsoever shall be imposed upon him by the Court.

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.50,000/- (Rupees Fifty thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-Vth, Saharsa in connection with S.T. No. 166 of 2021 arising out of Sour Bazar P.S. Case No. 13 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 5 criminal cases pending against the present petitioner and all cases belongs to District and Sessions Judge, Saharsa. The chart of all those cases are as follows :-

1. Saharsa P.S. Case No. 363/2019 for offence U/s 457, 308 of IPC.

2. Saharsa P.S. Case No. 186/2020 for offence U/s 356, 379 of IPC.

3. Saharsa P.S. Case No. 60/2021 for offence U/s 399,

411 of IPC.

4. Saharsa P.S. Case No. 75/2021 for offence U/s 25(1-b)a, 26, 35 of the Arms Act read with Section 412, 414 of IPC.

5. Sour Bazar P.S. Case No. 13/2021 for offence U/s 307/34 of IPC read with Section 27 of Arms Act.

The District and Sessions Judge, Saharsa is directed to do the needful so that all 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 shall run before one Sessions Court with one date.

Let a copy of this order is communicated to District and Sessions Judge, Saharsa for information and necessary compliance.

With this observation, the bail application stands allowed.

(Dr. Anshuman, J.)

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