

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36928 of 2022

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

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Nandan Sahani @ Nandan Kumar Sahani Son Of Bir Bahadur Sahani R/O-
Vill- Badkurawa, P.S.- Kota, Dist.-EAST Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

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

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

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN

ORAL ORDER

2 21-09-2022 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
Muffasil P.S. Case No. 271 of 2021 lodged under Sections 341,
342, 324, 307, 34 of the I.P.C. and section 27 of the Arms Act.

As per the prosecution case, the allegation of firing by
pistol at the shop of the informant is there. In result, the brother
of the informant was injured in this case. Learned counsel for
petitioner submits that petitioner is innocent and has not been
named in the F.I.R. Learned counsel for the petitioner submits
that Petitioner's name has figured in this case by the

confessional statement of co-accused and once his name has come, police has remanded him in 4 different cases, about which he has mentioned in Para-3.

Learned counsel for the petitioner submits that petitioner is in custody since 04.01.2022 and charge sheet has already been filed. On the point of his criminal antecedent and the cases in which his name has been figured, he has been granted bail in one case and in the rest of the cases, he is persuading for bail.

Learned counsel for the State opposes the prayer for bail and submits that there are criminal antecedent of the petitioner.

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, East Champaran at Motihari in connection with Muffasil Motihari 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 5 criminal cases (including the present one) pending against the petitioner which belongs to the District and Sessions Judge, East Champaran which are as follows:

- i. Muffasil Motihari P.S. Case No. 272 of 2021
- ii. Muffasil Motihari P.S. Case No. 273 of 2021
- iii. Muffasil Motihari P.S. Case No. 274 of 2021
- iv. Muffasil Motihari P.S. Case no. 278 of 2021
- v. Muffasil P.S. Case No. 271 of 2021

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

With this observation, the bail application stands allowed.

(Dr. Anshuman, J.)

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