

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36967 of 2022

Arising Out of PS. Case No.-69 Year-2021 Thana- KIUL RAIL P.S. District- Lakhisarai

Shivnandan Kumar Son of Dularchand Yadav Resident of Village - Jhurang,
P.S.- Fatehpur, District - Gaya.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Md. Irshad, Adv.

For the Opposite Party/s : Mr. Pranav Kumar, 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
G.R.P., Kiul P.S. Case No. 69 of 2021 lodged under Section 379
of the I.P.C.

As per the prosecution case, the F.I.R. of theft has
been filed against unknown persons. The informant intimated
that he was on duty at Danapur Division and put his motorcycle
outside the office. After duty, when he went to the place where
he has kept his motorcycle, he found that motorcycle was not
there.

Learned counsel for the petitioner submits that he is

innocent and has committed no offence. He further submits that nothing incriminating was recovered from his possession. He further submits that there are 2 criminal cases pending against him and he is on bail in both the cases. He further submits that his name has figured in this case only by virtue of the confessional statement of the co-accused.

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 Railway Judicial Magistrate, Kiul Lakhisarai in connection with G.R.P. Kiul P.S. Case No. 69 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 2 criminal cases pending against the petitioner which belongs to the District and Session Judge Gaya which are as follows:

- i. Vishnu Pad P.S. Case No. 124 of 2021 lodged under Sections 379, 411, 413 of the I.P.C.
- ii. Bodh-Gaya P.S. Case No. 316 of 2021 lodged under Sections 379, 411, 413, 401, 120(b) of the I.P.C.

Let the District and Session Judge Gaya is directed to do the needful so that all the magisterial triable cases and session triable cases prior to commitment shall run before one Magistrate with one date and 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 Session Judge Gaya for perusal and necessary compliance.

With this observation, the bail application stands allowed.

(Dr. Anshuman, J)

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