

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37085 of 2022

Arising Out of PS. Case No.-57 Year-2021 Thana- CHAUSA District- Madhepura

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Rajeev Kumar Singh @ Rajeev Kumar @ Baua Singh S/o Ajay Singh @ Ajay Kumar Singh, Resident of Village-Sahpur, P.S.-Gwalpara, District-Madhepura.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Sanjay Kumar Singh, Advocate

For the Opposite Party/s : Mr.Yogendra Kumar, 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
Chousa P.S. Case No. 57 of 2021 lodged under Sections 399 and
402 of the Indian Penal Code read with Sections 25(1-b)a, 26
and 35 of the Arms Act.

As per prosecution, the petitioner alongwith 4 others
apprehended by the police on random check up that the accused
persons are planning to commit robbery/*dacoity*. Recovery of
one loaded *desi katta* alongiwth one live cartridge made from
the possession of the petitioner.

Learned counsel for the petitioner submits that petitioner is innocent and has committed no offence. He further submits that petitioner is in custody since 16.06.2021 and charge sheet has already been filed in this case. Learned counsel for the petitioner further submits that there are 5 criminal cases pending against the petitioner, in 2 cases petitioner is named accused and in 3 cases he has been remanded. Learned counsel for the petitioner 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 and submits that it is true that in the present case he is in custody more than one year but there are 5 criminal antecedent against the petitioner.

In the present facts and circumstances of the 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 Addl. District & Sessions Judge-V, Madhepura in connection with Chousa P.S. Case No. 57 of 2021 arising S.T. No. 226 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 an 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.

With this observation, the bail application stands allowed.

Speedy trial is the constitutional vision of justice. Admittedly, there are 6 criminal cases pending against the present petitioner including present one and all cases belongs to the District Sessions Judge, Madhepura, which are as follows :-

1. Gwalpara P.S. Case No. 184 of 2019,
2. Gwalpara P.S. Case No. 123 of 2020,
3. Bihariganj P.S. Case No. 86 of 2021

4. Gwalpara P.S. Case No. 69 of 2021

5. Gwalpara P.S. Case No. 90 of 2021

6. Chousa P.S. Case No. 57 of 2021.

Let the District and Sessions Judge, Madhepura is directed to do the needful, so that all the cases which are magisterial triable and sessions triable prior to commitment shall run before one Magistrate with one date and sessions triable cases after commitment shall run before one sessions court with one date and special cases, if any, shall run before the Special Court with one date.

Let the copy of this order be communicated to the District and Sessions Judge, Madhepura for his perusal and necessary compliance.

With these observations, the bail application stands allowed.

(Dr. Anshuman, J.)

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