

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37478 of 2022

Arising Out of PS. Case No.-160 Year-2022 Thana- KATEYA District- Gopalganj

Abhishek Dubey Son of Pujari Dubey, R/o Village- Repura, P.S.- Kateya,
District- Gopalganj

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Umesh Kumar Singh, Adv.

For the Opposite Party/s : Mr. Ram Sumiran Rai, APP.

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
Kateya P.S. Case No. 160 of 2022, PTN No. 1307 of 2022,
lodged under Sections 341, 323, 504, 506, 427, 379, 384, 147,
148 & 149 of the Indian Penal Code read with Section 27 of
Arms Act.

As per the prosecution case, the F.I.R. has been filed
against 3 unknown accused persons that they have reached on
the land of informant and stopped the construction work. The
specific allegation against the present petitioner is that, he has
removed the tent from the land and thrown in the pond.

Learned counsel for the petitioner submits that petitioner is innocent has committed no offence. He further submits that petitioner has visited on the land and thrown away the tent of informant from the land. Learned counsel for the petitioner further submits that from the F.I.R. itself, it transpires that the dispute is relating to a piece of land situated in Mauja Samdas Bagahi on Thana No.410, Khata No.166, Kheshra No.09 area about 9 dhurs. Learned counsel for the petitioner further submits that petitioner is in custody since 30.04.2022 and charge sheet has already been filed. On the point of criminal antecedent, learned counsel for the petitioner submits that there are 3 cases pending against the present petitioner and he is on bail in all the case. 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.30,000/- (Rupees Thirty thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Gopalganj

in connection with Kateya P.S. Case No. 160 of 2022, PTN No. 1307 of 2022, 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. From the records of the case, it transpires that there are 4 criminal cases pending against the present petitioner and all cases belongs to District and Sessions Judge, Gopalganj. The chart of all those cases are as follows :-

1. Kateya P.S. Case No. 88/2020 for offence U/s 341,

323, 448, 506 & 34 of IPC.

2. Kateya P.S. Case No. 405/2021 for offence U/s 341, 323, 325, 324, 307, 379 & 34 of IPC.

3. Kateya P.S. Case No. 102/2022 for offence U/s 341, 323, 324, 379, 504 & 506 of IPC.

4. Kateya P.S. Case No. 160/2022 for offence U/s 341, 323, 504, 506, 427, 379, 384, 147, 148 & 149 of IPC read with Section 27 of Arms Act.

The District and Sessions Judge, Gopalganj 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, Gopalganj for information and necessary compliance.

With this observation, the bail application stands allowed.

(Dr. Anshuman, J.)

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