

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36983 of 2022

Arising Out of PS. Case No.-597 Year-2021 Thana- BHAGWAN BAZAR District- Saran

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Birendra Yadav @ Birendra Rai Son of Shri Shivji Rai, Resident of
Masoomganj, Near Hanuman Temple, P.S.- Bhagwan Bazar Thana, District-
Saran At Chhapra

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Yashraj Bardhan. Advocate.

For the Opposite Party/s : Mr. Ganesh Prasad Singh, APP.

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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
Bhagwan Bazar P.S. Case No. 597 of 2021, lodged under
Section 379 of the Indian Penal Code subsequently Section 411
of Indian Penal Code has also been added in the said F.I.R.

As per the prosecution case, the allegation of theft is
there in the F.I.R. against unknown accused persons.

Learned counsel for the petitioner submits that
petitioner is innocent and has committed no offence. He further
submits that name of petitioner has figured in this case by virtue

of confessional statement. He further submits that in the F.I.R. the alleged Pickup Bolero vehicle which was subject to theft was recovered from one Yogendra Kumar Yadav in Chapra. He also submits that on the confessional statement the said vehicle was recovered. Learned counsel for the petitioner further submits that petitioner is in custody since 05.03.2022 having 3 criminal antecedents and all are of same nature.

Learned counsel for the State opposes the prayer for bail and submits that the allegation of theft is there and on the basis of confessional statement the name of petitioner has come and also the theft vehicle was recovered.

In the present facts and circumstances of this case and the submissions made above, I am not inclined to grant bail to the petitioner at present, but he may renew his prayer for bail after framing of charge.

Speedy trial is the constitutional vision of justice. From the records, it transpires that there are 4 criminal cases pending against the petitioner including the present one and all belongs District and Sessions Judge, Saran at Chapra. The details of all those cases are as follows :-

1. Bhagwan Bazar P.S. Case No. 282/2009 for offence U/s 379 of IPC.

2. Bhagwan Bazar P.S. Case No. 165/2010 for offence
U/s 379 of IPC.

3. Bhagwan Bazar P.S. Case No. 166/2010 for offence
U/s 379 of IPC.

4. Bhagwan Bazar P.S. Case No. 597/2021 for offence
U/s 379/411 of IPC.

The District and Sessions Judge, Saran at Chapra is
directed to do the needful so that all 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 Sessions Court with one date.

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

With this observation, the bail application stands
rejected.

(Dr. Anshuman, J.)

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