

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37273 of 2022

Arising Out of PS. Case No.-83 Year-2021 Thana- MUFFASIL District- West Champaran

Imtiaz Alam Son of Late Salim Mian, R/o Village- Mahnakuli, P.S.-
Chanpatia, District- West Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Ajay Kumar No.2, 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
Bettiah Muffasil P.S. Case No. 83 of 2021, lodged under
Sections 394 of the Indian Penal Code.

As per the prosecution case, the allegation of robbery
is there against 3 unknown persons who visited at the place of
occurrence on a motorcycle and committed robbery.

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 of the co-accused. He further submits

that nothing incriminating has recovered from the possession of petitioner, nor he was put on TIP till date. He further submits that petitioner is in custody since 07.07.2021, charge sheet has already been filed in this case. On the point of criminal antecedent, learned counsel for the petitioner submits that there are in total 5 criminal cases pending against the petitioner, in which in some cases he is on bail but in rest cases he is persuading for bail.

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, Bettiah, West Champaran in connection with Bettiah Mufassil P.S. Case No. 83 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 6 criminal cases pending against the present petitioner and all cases belongs to District and Sessions Judge, West Champaran. The chart of all those cases are as follows :-

1. Bettiah Town (Kalibagh O.P.) P.S. Case No. 137/2021 for offence U/s 413, 414 of IPC read with Section 25 (1-b)a, 26/35 of Arms Act.

2. Chanpatia (Kumarbagh O.P.) P.S. Case No. 113/2021 for offence U/s 394 of IPC.

3. Shikarpur P.S. Case No. 85/2021 for offence U/s 392 of IPC.

4. Chanpatia (Kumarbagh O.P.) P.S. Case No.

121/2021 for offence U/s 25 (1-b)a, 26/35 of Arms Act.

5. Chanpatia (Kumarbagh O.P.) P.S. Case No. 89/2021
for offence U/s 379 of IPC.

6. Bettiah Muffasil P.S. Case No. 83 of 2021 for
offence U/s 394 of IPC.

The District and Sessions Judge, West Champaran 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, West Champaran for information and
necessary compliance.

With this observation, the bail application stands
allowed.

(Dr. Anshuman, J.)

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