

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37421 of 2022

Arising Out of PS. Case No.-243 Year-2019 Thana- SHEOHAR District- Sheohar

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Pankaj Kumar @ Pankaj Thakur Son Of Ram Vinod Thakur R/O Village-
Ismailpur, P.S.- Sadar Hajipur, District- Vaishali

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Manish Chandra Gandhi, Adv.

For the Opposite Party/s : Mr. Lakshmi Kant Sharma, 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
Sheohar P.S. Case No. 243 of 2019 lodged under Sections 395
of the I.P.C.

As per the prosecution case, the F.I.R. has been
lodged against unknown persons. The allegation of robbery is
there in the F.I.R.

Learned counsel for the petitioner submits that
nothing incriminating has been recovered from his possession
nor he was put on T.I.P. Learned counsel for the petitioner
submits that he was an elected Member of Jila Parishad of

Hajipur and later on elected as Vice-President of Jila Parishad of Hajipur by Member of Jila Parisha. He was a popular leader. He annexed Annexure-2 by which in the year 2016 issued by Election Officer. Learned counsel for the petitioner submits that subsequently, he declared himself to contest the election of M.L.A. from Hajipur constituency and he declared himself as an independent candidate thereafter the political mafia of the locality has hatched a conspiracy against him and present case is the result of the same. He further submits that after his declaration he shall contest the election. The police has started remanding him continuously in different cases and presently, he was remanded in 16 different cases whose details he has stated in paragraph 3. Learned counsel for the petitioner submits that he is a law abiding citizen and therefore, he has taken bail in all cases.

Learned counsel for the petitioner submits that he is in custody since 28.04.2022, charge sheet has already been filed in this case and he 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 there are in total 17 cases pending against the present petitioner.

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 C.J.M., Sheohar in connection with Sheohar P.S. Case No. 243 of 2019, 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 17 criminal cases (including the present one) pending against the petitioner in 8 cases belongs to District and Sessions Judge, Vaishali and 4 cases belongs to District and Sessions Judge, Patna district which are as follows:

Vaishali

1. Langanj P.S. Case No. 46 of 2012 lodged under Sections 394, 302/34 of the I.P.C.
2. Lalganj P.S. Case No. 271 of 2013 lodged under Section 392 of the I.P.C.
3. Hajipur Town P.S. Case No. 389 of 2012 lodged under Sections 341, 323, 307, 504, 506/34 of the I.P.C. read with Section 27 of the Arms Act.
4. Hajipur P.S. Case no. 232 of 2012 lodged under Sections 394, 397 of the I.P.C.
5. Hajipur P.S. Case No. 446 of 2012 lodged under Sections 395, 397, 467, 468, 120(B) of the I.P.C.
6. Hajipur P.S. Case No. 359 of 2013 lodged under Sections 147, 341, 323, 353 of the I.P.C.
7. Hajipur P.S. Case No. 360 of 2013 lodged under Sections 147, 341, 323, 325, 307, 427, 120B of the I.P.C.
8. Hajipur P.S. Case no. 234 of 2013 lodged under

Sections 188/414 of the I.P.C. read with Sections 42, 45(1)(2) of the prisoners Act.

Patna

1. S. Tr. No.- 2468 of 2008 arising out of Kotwali P.S. Case No. 207 of 2003 lodged under Sections 400, 414 of the I.P.C. read with Section 25(1-b) a, 26, 35 of the Arms Act.
2. S.Tr. No.- 522 of 2004 arising out of GRP P.S. Case No. 305 of 2003 lodged under Section 395 of the I.P.C.
3. Shastri Nagar P.S. Case No. 164 of 2007 lodged under Section 414 of the I.P.C. read with Sections 25(1-b) a, 26, 35 of the Arms Act.
4. Jakkanpur P.S. Case No. 80 of 2020 lodged under Sections 401 and 414 of the I.P.C. read with Sections 20 and 22 of the N.D.P.S. Act.

Let the District and Sessions Judge Vaishali and Patna are directed to do the needful so that all the 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 Session Court with one date, in the respective districts.

Let the copy of this order is communicated to the District and Sessions Judge Vaishali and Patna for perusal and necessary compliance.

With this observation, the bail application stands allowed.

(Dr. Anshuman, J)

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