

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36723 of 2022

Arising Out of PS. Case No.-3 Year-2022 Thana- CHANPATIA District- West Champaran

Banka Yadav Son of Late Mahanth Yadav Resident of Sukhvan, P.s.- Bagaha
Patkhauli, District- West Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bimlesh Kumar Pandey, Adv.

For the Opposite Party/s : Mr. Raj Kishore Singh, APP

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
Chanpatiya P.S. Case No. 3 of 2022 lodged under Sections 379
and 420 of the I.P.C.

As per the prosecution case, the informant has
categorically stated that the person who helped in withdrawal of
Rs. 52,000/- has followed up and when the informant reached in
the market to purchase rice then the same person came with
another one and snatched Rs. 52,000/- from his pocket and fled
away.

Learned counsel for the petitioner submits that the

present F.I.R. has been lodged against unknown person. He submits that his name has come by the confessional statement of one Krishna Srivastava. He further submits that nothing was recovered from his possession and he was not put on T.I.P. He further submits that the said co-accused has been granted bail by the Co-ordinate Bench of this Court vide order dated 13.07.2022 passed in Cr. Misc. No. 22620 of 2022.

Upon specific query from the Court, learned counsel for the petitioner submits that charge has not been framed in this case as yet.

Learned counsel for the State opposes the prayer for bail.

In the present facts and circumstances of this case and the submissions made above, I am not inclined to grant bail to the present petitioner but hereby granting liberty to raise the prayer of his bail after framing of charge. Upon move before the Trial Court, the Trial Court shall release the petitioner on bail imposing its own condition so that he may not evade his appearance during trial.

Speedy trial is the constitutional vision of justice. Admittedly, there are in total 3 criminal cases (including the present one) pending against the petitioner which belongs to the District and Session Judge West Champaran at Bettiah which

are as follows:

- i. Shikarpur P.S. Case No. 503 of 2021 lodged under Sections 379/34 of the I.P.C.
- ii. Chanpatia P.S. Case No. 5 of 2022 lodged under Sections 420, 414, 467, 468, 471 of the I.P.C. read with Sections 25(1-b)a/26/35 of the Arms Act.
- iii. Chanpatiya P.S. Case No. 3 of 2022 lodged under Sections 379 and 420 of the I.P.C. (present case).

Let the District and Session Judge West Champaran at Bettiah is 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 the sessions triable cases after commitment shall run before one Session Court with one date.

Let the copy of this order is communicated to the District and Session Judge West Champaran at Bettiah for perusal and necessary compliance.

With this observation, the bail application stands rejected.

(Dr. Anshuman, J.)

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