

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37439 of 2022

Arising Out of PS. Case No.-599 Year-2021 Thana- LAHERIYASARAI District- Darbhanga

Kishor Ram @ Mahatmaji @ Raj Kishor Ram Son Of Late Ram Prit Ram
R/O Mohalla- Rahamganj (RAM Basti), P.S.- Laheria Sarai, Distt.-
Darbhanga

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Smiti Bharti, Adv.

For the Opposite Party/s : Mr. Ashok Kumar Singh, 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
Laheriasarai P.S. Case No. 599 of 2021 lodged under Sections
504, 341, 324, 307, 506/34 of the I.P.C. read with Section 27 of
the Arms Act.

As per the prosecution case, the allegation made by
the informant is that the petitioner alongwith 4 unknown
persons had attacked on the informant and injured him. The
cause shown in the F.I.R. is the dispute going on between them
since early time.

Learned counsel for the petitioner submits that the petitioner and informant both are Class IV employees of D.M.C.H. working in the different departments. Learned counsel for the petitioner submits that the present petitioner is more popular and working in a department where he has a large social contact and with a view to disturb him, they continuously filed different types of cases upon him. They have also filed 2 cases earlier in which he is on bail and it is the third case filed by them in which he surrendered. Learned counsel for the petitioner submits that petitioner is in custody since 29.04.2022 having 2 criminal cases pending against him but filed by the same informant or by his brother otherwise his antecedent is clean. He further submits that charge sheet has already been filed in this case. Learned counsel also submits that petitioner is Class IV employee working in the Government sector and there is no chance of his escape from the case. Learned counsel for the petitioner 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 Court of C.J.M., Darbhanga in connection with Laheriasarai P.S. Case No. 599 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 in total 3 criminal cases (including the present one) pending against the petitioner which belongs to the District and Session Judge Darbhanga which are as follows:

i. Laheriasarai P.S. Case No. 588 of 2021 lodged

under Sections 341, 323, 379, 504/34 of the I.P.C.

ii. Laheriasarai P.S. Case No. (Benta O.P.) P.S. Case No. 589 of 2021 lodged under Sections 341, 147, 149, 323, 504 and 506 of the I.P.C.

iii. Laheriasarai P.S. Case No. 599 of 2021 lodged under Sections 504, 341, 324, 307, 506/34 of the I.P.C. (present case).

Let the District and Session Judge Darbhanga is directed to do the needful so that all the magisterial triable cases and session triable cases prior to commitment shall run before one Magistrate with one date and after commitment, the session triable cases shall run before one Session Court with one date.

Let the copy of this order is communicated to the District and Session Judge Darbhanga for information and necessary compliance.

With this observation, the bail application stands allowed.

(Dr. Anshuman, J.)

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